Jacks Robinet

THE FOURTH PART OF THE

INSTITUTES

OF THE

Lawes of England;

Concerning the Jurisdiction of Courts.

The Fourth Edition; with an Alphabetical TABLE, not heretofore Printed.

PROVERBS 22. 28.

Ne transgrediaris antiquos terminos quos posuerunt patres tui.

Terminos propriæ potestatis egressus in aliam messem perperam mittit falcem suam.

Authore EDW. CORE Milite.

Hec ego grandavus posui tibi, candide Lector.

LONDON

Printed for A. Grooke, W. Deake, A. Roper, F. Tyton, T. Dring, T. Collins, J. Place, W. Place, F. Starkey, T. Baffett, R. Paulett, S. Heyricks, and G. Dawes, Booksellers in Fleetstreet and Bolborne,

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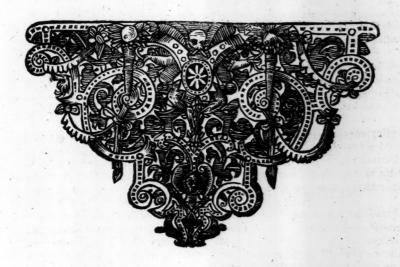
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my deceale, being very floor, and par cally

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2 Furifaittio est authorit as judicandi fire fus dicendi int parces de actionibus pers quid? Bradi fowarum & revum feeundum quod dedutte fuerant in judicium per authoritatem ! Solo ordinariam fen delegatam : And again, b furifaitio eft poreft is de publico intra dutta cum necefficare juris dicendi. It is derived of Jin, and dieio, i. poteft as 116. iuric. Siv tle or no mention (that we rememb.

Curia hath two feveral fignifications, and accordingly it is severally derived, b Lib. It agnifieth the Kings Court, where his Royal Person, and his Honourable 2. En le Haushold do reside, and is all one with Palatimm Regium, and is derived and 18 fea.

we's, of the Lord, because the Soveraign Lord resideth there. It also ganty- c curia quid?

eth a Tribunal, or Court of Justice, as here it doth, and then it is derived a cura,

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Of Jurifdictions fome be Ecclefiaftical, and fome Civit, or Temporal; of both these some be primitive, or ordinary without Commission, some deriva-tive, of delegate by Commission. Of all these, some be of Record, and some not of Record, some to enquire, hear, and determined some to enquire only; fome guided by one Law, fome by another; the bounds of all and every feveral Courts being most necessary to be known. For as the body of a man is best ordeced, when every particular member exercifeth his properdacy; fo the body of the Commonwealth is belt governed, when every feveral Court of Juffice executeth his proper Jurisdiction. But if the eye, whose duty is to see, the hand to work, the feet to go, shall usurp and encroach one upon anothers work: As for example, the hands or feet, the office of the eye to fee, and the like; these should assuredly produce disorder, and darkness, and bring the whole body out of order, and in the end to destruction : So in the Commonwealth (Justice being the main preserver thereof) if one Court should usurp, or encroach upon another, it would introduce incertainty, subvert Justice, and bring all things in the end to confusion.

A Proeme.

Now when I confidered how much it would tend to the honour of the Kings Majesty, and of his Laws, to the adventment of Instice, the quiet of the Subject, and generally to the good of the whole Commonwealth, (no King in the Christian world having such Tribunals, and Scats of Justice, as his Majest that; which God wisting, in this Treatise we shall make to appear) that all the high, honourable, nenerable, and necessary Tribunals, and Courts of Justice, within his Majesties Realms and Dominions, as well Civil as Ecclesiastical, might be drawn together, as it were, in one Map, or Table, (which hitherto was never yet done) that the admirable benefit, beauty, and delectable variety thereof might be, as it were, uno intuitu beholden, and that the manifold Jurisdictions of the same might be distinctly understood, and observed. We having (as elsewhere we have said) collected some materials towards the raising of this great and honourable building, and searing that they should be of little use after my decease, being very short, and not easily of others to be understood, if I should have left them as they were.

In the Preface to the First part of the Institutes.

> Out of the duty that I owe to his most excellent Majesty, and my zeal and affection to the whole Commonwealth, I have adventured to break the ice herein, and to publish more at large those things which in our reading we had obferved concerning Jurisdiction of Courts. I confesse it is a labour of as great pains, as difficulty; for as in an high and large building, he that beholds the same after it is finished, and furnished, feeth not the carriages, scaffolling, and other invisible works of labour, industry, and skill in Architecture; so he that looketh on a Book full of variety of important matter, especially concerning facred Laws, after it is printed and fairly bound and polished, cannot fee therein the carriage of the materials, the fearthing, finding out, peruling, and digetting of authorities in Law, Rolls of Parliament, judicial Records, Warrants in Law, and other invisible works, ram laboris, quam * ingenis: yet I was the rather encouraged thereunto, both because I have published nothing herein, but that which is grounded upon the authorities and reason of our Books, Rolls of Parliament, and other judicial Records, and especially upon the resolution of the Judges of latter times upon mature deliberation in many cases never published before; wherewith I was well acquainted, and which I observed and set down in writing, while it was fresh in memory.

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* Minerva,

There be amongst the Kings Records divers and many Rolls, whereof you shall find little or no mention (that we remember) in our Books, viz. Ret. Parliament. Rot. Placitorum Corona, Rot. Placitorum Parliament. Rot. Clanf. Rot. Brevium, Finium, Inquisitionum, Liberationum, Rot. Cartarum, Eschaetaia, Pat. Rot. Ordinationum, Rot. Francia, Scotia, Vasconia, & Almania, Ret. Romana, Rot. Indeorum, Rot. Ragman, Brangwin, Rot. Contraritafum, (And the reason of the naming of this Roll thus, was, for that Thomas Earl of Lancaster (a man fingularly beloved) taking part with the Barons against King E. 2. in hatred of the Spencers, it was not thought fafe for the King, in respect of their power and greatnesse, to name them Rebels or Traytors, but Contrarients) and some others. In this and other parts of our Institutes we site divers Records out of many of these Rolls . Herein, as in the rest of our Works, you fhall obferre, that in the course of our reading we took all in our way, and omitted little or nothing, for there is no knowledge (feemeth it at the first of never fo little moment) but it will fland the diligent observer in Read at one time or other. And thus for all our pains, willing the benevolent Reader all the profit, wo (fazente Deo, di auffice Christo) begin with the High and most Honourable hand to nock, the feet to go, fiell efure and encroar insmilites fortated

Vork: A lor example, the hands or her, the office of the eyeto fie, and the like, there finally affacted produce disorder, and decimels, and bring the whole bedy out of order, and in the end to defraction a So in the Common-wealth (narice bring the man preferver thereof) if one Court fiscald uttarp, a contact apon another, it would interduce interestance (abvert lettice, and ming all things in the end to confusion.

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IGH AND MOS HONOURABLE COURT

PARLIAMENT.

CAP. I.

Of what Persons this Court confisteth.



Dis Court confideth of the Bings Pajetty, fitting there as part of the lad in his Moyal politick capacity, and of the three Effates fitures, Sec. of the Mealm : viz. Of the Logds Spiritual, Acchbishops 164, for the and Bishops, being in number 24, who at there by acc. ancient & laccession in respect of their Counties, oz Baronies parcell ter names of of their Bishoppicks, which they hold also in their politich and the anticapacity; And every one of these when any Parliament quiry thereof. is to be bolden, ought, ex debito justiciz, to have a Marit Modus tenendi of Summons. The Lozds Sempozal, Dubes, Parquistes, Parl. cap. 2.

Garls, Mifcounts, and Barons, tobo fit there by reafen of their dignities which shopricks of thep bold by deftent of creation, in number at this time 106. and likewife every England be of one of these being of full age, aught to habe a warit of Summons ex debito ju. the Kings proflitia. The third effate is the Commons of the Mealm, whereof there be a mights genitors incorof Shires of Countles, Citizens of Cities, and Burgeffes of Burghs. All poration, to which are respectively elected by the Shires of Counties, Cities and Burghs, by on and foundiforce of the Bings Warit ex debito justitia, and none of them ought to be tion, Tenendum omitted; and thefe reprefent all the Commons of the whole Realm, and truffed per Comitatum forthem, and are in number at this time 493.

ancient time donative, and these Bishops are called by Weit to the Parliament as other Lords of Parliament be. Rot. Claus. 9 H. 4, m. 1. Glanvil lib. 7, cap. 1, verf. finem. Bract. lib. 5, fol. 412. 427. 2, 10 H. 4. 6. 21 E. 3. 60. 17 E. 3. 40. 48. 73. Dicetus Dean of London. 45 R. 2. cap. 4. ftat. ult. fo they are ranked. Prov. 11. 14. Salus ubi multa confilia. Rote Parl, 7 H. 4. nu. 2. Multorum constita requiruneur in magnie.

Of what number.

In the beginning Romulus ozdained an bundzed Senatozs foz the good go- Feftus, bernment of the Commonwealth ; afterwards they grew to 300, and to many were of the Boule of Commons in Fortescues time; who treating with what grabity Statutes are made, faith ; Dum non unius, aut centum folum confulto- Fortefeiec. 18. rum virorum prudentia, fed plus quam trecentorum electorum hominum, quali fol. 40. numero olim Senatus Romanorum regebatur, ipfa statuta edita funt.

Erant autem Senatores majorum gentium, & Senatores minorum gentium, ex Cicero lib. 27 patriciis & nobilibus electi, hii ex populo.

And it is observed, that when there is best appearance, there is the best fucceffe in Barliament. At the Barliament holden in the febenth year of the reign Ror. Parl of H. J. bolben befoze the Duke of Bedford Guardian of England, of the Lozds 7H. 5. Spiritual and Tempozal there appeared but thirty in all; at which Parlia-

feu Baroniam,

Rot. Parl. 50 E. 3. Bonum Parliamentu.

* 14 H. 8. 3. er Fineux Hollensh. Chron. 34 H. 8. 956, 957. Dier 38 H. 8. 60, 61. 2 & 3 E. 6. cap. 36. # 18 E. 3. c.6. Regist. 177. F.N.B. 164.k. Pl. R. 232. Stanf. Pl. Cor.

b For this diftinction, fee of the Institutes, Mag. Cart. Verb. [per pares] to. 29, 2,

Of ancient time both Houses fat together.

Rot. Parli 10 E. 3. nu, 8.

part of the In-

ftitutes, Sect. a Breve Parl.

b Brevia origi-

nalia de vasto,

e W. I. in ex-

8. cap. 10. & lib, 13.cap.32.

Bracton lib. 3. trad . 2. cap. g.

e Aneidos 10.

ordio. d Glanvil lib.

ment there was but one Act of Parliament palled, and that of no great weight. In Anno 50 h. 3. all the Loods appeared in person, and not one by Prorie. At which Parliament, as it is projected in the Parliament Koll, so many excellent things por the and son, as it bas called bonden Parliament.

And the Ring and their these Chaires are the great Corporation of Body politics of the Ringsonic; and so that they bonden, viz. the King and Lords in one boute called the Lords Bonde, and the Minights, Citizens and Burgelles in

another poute, called the Boule of Commons.

For this word [Commons] fee the Katute of 28 E. 3. whereby it is probided that the Cozoners of Counties thall be chofen in full County, per les Commons de mesme les Counties. Commons are in legal understanding taken for the frank Lenaurs of Free bolbers of the Counties. b And whosoeber is not a Lazo of Parliament, and of the Lozds Boule, is of the Boule of the Commons, either in person, or by representation, partly coagmentative, and partly repræsentative.

But of ancient time both Boules late together. In 8 H. 4. an Act of Barlia. ment concerning the fuccession of the Crown intailed to H. 4. whereunto all the Lozds feverally fealed, and Sir John Tebetot the Speaker in the name of the

the fecond part Commons put to bis feale.

Rote, that in the Letters to the Pope by all the Robility of England at the Parliament bolden in 21 E. 1. the conclusion is this. In cujus rei testimonium figilla nostra tam pro nobis quam pro tota Communitate præd. Regni Angliæ præfentib, funt appensa. Bereby I gather, that at this tine the Commans bad no Speaker, but both Boufes fat together; for if the Commons had then had a Speaker, they would have appointed him to have put to hie teale for them, as in 8 H. 4. they dio. Certain it is, that at the first both Boules fat together, as it appeareth in the Treatife De modo tenendi Parliamentum, Vide Rot. Parl. E. 3. nu. 3. and in other places in the fame Holl; and in G.E. 3. in divers places it appeareth that the Lozds and Commons fat together, and that the Commons had then no continual Speeker, but after confultation the thep agreed upon fome one or more of them that bad greatest aptitude for the present business to beliber their resolution, which brought great delayes of proceeding, and thereupon the Boules were divided, and the fureft mark of the time of the division of them is, toben the Boule of Commons at the first had a continual Speaker, as at this day it bath.

After the division the Commons fat in the Chapter house of the Abbot of

Wettminster.

And this Court is aptig refembled to a Clock, which bath within it many inheels, and many motions, all as well the lefter as the greater muft mobe : bus after their proper manner, place, and motion; if the motion of the lefter be binoced, it will binder the motion of the greater.

The Names.

See the firt . vor's This Court is called by leberal names, as anciently [Witenage Mote] Conventus sapientum; Parliamentum, of which we have spoken in another place; Comitia, à coeundo, quia coeunt ibi deliberaturi de a arduis & urgentibus negotiis regni, & ftatum, & defensionem regni, & Ecclesia Anglicana concernentibus. Commune concilium regni, Generale concilium regni, & d Concilium regni, and Affisa ab affidendo, as Affisa de Clarendon 22 H. 2.

Upon fome of the Records and Rolls of the Parliament it is written,

Perlege que regni clarissima Conciliorum

Sunt monumenta, aliter nil præter fomnia cernis.

And Virgil writing of the Parliament of the Gods, uleth the fame word of Lib. 9. cap. to. Concilium in the fame fence.

Panditur interea domus omnipotentis Olympi

Conciliumq; vocat divum pater, atq; hominum rex, &c.

Tacitus in vita Agricolæ in the time of the Boltons, callet it Conventus, à concilium ded- conveniendo, is alle the grand and conseque

Ingulphus

Ingulphus, who deed befoge 1109. faith, Rex Eldredus convocavit magnates, 34 H. 6. 40.4. Episcopos, proceres, & optimates ad tractandum de publicis negotiis regni. Tully calleth it, Confessum Senatorum, a confidendo.

Parliaments in Scripture.

And the like Parliaments have been holden in Ifrael, as it appeareth in the Chron.c. 18. boly Biltory. Convocavit David omnes Principes Ifrael, duces, tribunos, & prepolitos turmarum, tribunos, conturiones, & qui præerant fubitantiis & pof-Ceffionibus regis, filiosque suos, tum eunuchts, & potentes, & robustissimos quofque in exercitu Jerufalem. And when thep were all allembled, the Bing himfelf fewed the caufe of callfing that Parliantent. Andite me fratres mei, & Preparations populus meus, cogitavi, ut ædificarem in qua requiesceret arca scederis Domini, Actus activo-atione de la cabellum pedum Dei nostri, & ad ædificandum omnia præparavi, &c. rum sunt in pa-tiente disposi-And the like Parliament die Bing Solomon fon of Bing David bald. Congre- tio, faith the gavit Solomon majores natu Ifraet, & cunctos principes, tribunos, & capita fa- Philosophenica miliarum de filis Israel in Jerusalem, &c. b Abere was also a Parliament bolden a schoon, sai in the time of the Audges. Convenit universus Israel ad civitatem quasi homo bludg 20.12 to unus cadem mente, & uno consisio, &c. And that Parliament busided on such unity had bleffed fucceffe.

Df this Court of Parliament the Bing is Caput, principium & finis. And Modus tenende as in the natural body, when all the finelus being forned in the bead, do jorne Parl. their forces together for the firengthening of the body, there is ultimum Potentia: to in the politick body, toben the Bing and the Lords Spiritual and Tempozal, Unights, Citizens, and Burgeffes, are all by the Bings command affembled and joyned together under the head in consultation for the common good of the tubole

Mealin, there is ultimum Sapientia.

What properties a Parliament man should have.

It appeareth in a Parliament Moll, that the Parliament being, as bath been Rot. Parl. An. fait, called Commone concilium, ebery member of the Boute being a Countet. 3 H. 6. nu. 3. fer, fould babe three properties of the Clephant : Fird, that be bath no gall : Decondip, that he is inflerible, and cannot boto : Ebicole, that he is of a moft ripe and perfed memozy: tohich properties, as there it is faid, ought to be in eberp member of the great Conncell of Parliamente. Firf, to be without gall, that is, without malice, rancoz, beat, and enby. In Elephante melancholia tranficin nutrimentum corporis. Chere gallift inclination, (ifang were) finald tend to the good of the whole body, the Commonwealth. Secondly, that he be conffant, inflerible, and not to be bowed, of turned from the right, either for Ving. George fear, remard, og fabaur, nog in judgement refped any perfon. Ebirdly, of a ripe Illum non por memozy, that they remembeing perils patt, might prebent bangers to come, as puli fafces, non in that Roll of Partiament it appeareth. Tabereunto we will adde two other Fixit properfies of the Clephant, the one, that though they be Maxima virtutis, & maximi intellectus, of greateft frength, and underftanding, tamen gregatim femper incedunt, pet thep are foctable, and go in compantes ; foz animalia gregalia non funt nociva, fed animalia folivaga funt nociva. Sociable creatures that Bartholomana go in flocks og beards are not burtfull, as Deer, Sheep, ac. but Bealts that walk folely, of Angularly, as Bears, Fores, ac. are bangerous and burtfull. The other, that the Elephant is Philanthropos, homini erranti viam oftendit: and thefe properties ought ebery Parliament man to babe.

Of Records of Parliament.

The reason wherefoze the Records of Parliament babe been so highly extolled, "Mich. E.i. is, so that therein is set down in cases of difficulty, not only the suggement, in community of resolution, but the reasons, and causes of the same by so great addice. "It is banco. Roc. 1900. Linc.

Pasc. 19 E. I. Ror. 145. Abbot de Selby. Pasc. 28 E. I. Coram Rege Rot. between the King and Venables in Quare Impedit. Mich. 3 E. 2. Coram Rege Rot. 6. and many others where the causes and reasons pro & contra have been set down, &c. 6 E. 3. so. 5. per Herl. 3 E. 4. b. 7. a. 39 H. 6. 63. 2. per Fray.

22 E. 4. 18. Per Huffey. Rot. Parl. 19 E. 1. Rot. 12. Margery Weylands cafe. Nota quia opcime, &c.

true, that of ancient time in judgements at the Common Law, in cates of difficulties either criminal, oz cibil, the reasons and causes of the judgement were fet doton in the Mecoed, and to it continued in the reigns of E. 1. and most part of E. 2. and then there was no need of Reports; but in the reign of E. 3. (when the Law was in his beight) the causes and reatons of judgements, in respect of the multitude of them, are not let down in the Mecozd, but then the great Caluids and Meporters of cates (certain grave and lad men) publifled the cates, and the reasons and cautes of the judgements of resolutions, which from the beginning of the reign of E. 3. and fince we habe in print. But thefe alfo, though of great credit, and excellent use in their kind, get far underneath the Authozity of the Barlia. ment Rols, reporting the Ads, Judgements and refolutions of that highen Court.

The Summons of Parliament.

Prov. 13. 16. Sapiens omnia agit cum confilio. Vide in-Thefe Writs of Summons

The Bing de advisamento concilii, (for to be the words of the warit of Parliament) refolbing to habe a Parliament, both out of the Court of Chancer? tend out Wirits of Summons at the leaft forty dages before the Parliament begin : Every Lozd of Parliament, either Spiritual, as Archbifbops and Bifbops, og Tempozal, as Dukes, Parquiffes, Carls, Wifcounts and Barons, Peers of the Realm, and Logds of Parliament, ought to have feberal Mrits of Summons.

you shall find in former times in the Close Roll, for they are not in the Register; and in that Roll are the Writs de expensis Militum, Civium & Burgenfium, & Procuratorum Cleri, and thefe are in the Register alfo.

Temporal Affistants.

* Regift. 261? F. N.B. 229.8. ib, called Artendants.

And all the Judges of the Mealm, Barons of the Etthequer, of the Coif the Kings learned Councell, *and the Cibilians Paffers of the Chancery, are called to give their affifiance and attendance in the upper boule of Parliament. but they have no boices in Parliament; and their writs differ from the writs to the Barons : foz their welts be, Quod interfitis nobifcum & cum cateris de concilio nostro (and sometimes nobiscum only) super pramissis tractaturi, vestrumque confilium impensuri ; but the wait to the Barons is, Quod interfitis cum prælatis, magnatibus & proceribus super dictis negotiis tractaturi, vestrumque confilium impensuri,

Spiritual Assistants: Procuratores Cleri.

Mod, tenend. Parl. cap. 2. Rot. Clauf. 8 E. 2. m. 15. dorf. Ib. 5 B. 2. m. 15. 1b. II E3 part.I. m.r. 1b. 22 E. 3. pare. 2. m. 3. Ib. 36 E. 3. m. 16. Rot. Parl. 18 E. 3. nu. 1. 3 R. 2. E1 R. 2. 21 R. 2. Procuratores Cleri, Reg. 261.a. F.N.B. 229. a. Procuratores de Clero. In fascicul. literarum procurat. &c. 13 See hereafter

rit. Proxiet.

And in every wzit of Summons to the Bifbops, there is a claufe requiring them to fummon these persons to appear personally at the Parliament, which is in thefe toods; Pramonientes Decanum & Capitulum Ecclefiz veftra Norwicensis, ac Archidiaconos totumque clerum vestræ Dioces. quod iidem Decani & Archidiaconi in propriis personis suis, ac dicum Capitulum per unum, idemque clerus per duos procuratores idoneos plenam & sufficientem potestatem ab ipsis capitulo & clero divisim habentes prædict, die & loco personaliter interfint ad consentiendum hiis que tunc ibidem de communi confilio dicti regni nostri divina favente clementia contigerit ordinari: And the Bishop under his feal make certificate accordingly. And these are called Procuratores Cleri, and many times have appeared in Parliament as Spiritual Allitants, to confider, confult, and confent, ut supra, but had never boices there, becaufe thep were no Lozds of Parliament. Some babe thought, that becaufe the Clergy were not party to the election of the unights, Citizens, and Burgeffes, that thete Procuratores Cleri were appointed to gibe their confent fog them, but then they hould have had voices, which questionless they never had. And by the words of the wait it was to confent to those things which by the Common Councell of the Realm Spould happen to be ogdained, so as their confent was only to fuch things as were ordained de communi concilio Regni, H.4. & 5 H.5. and that there might be an Ad of Parliament without them : and in many cates multitudes are bound by Ads of Parliament, which are not parties to the elections of unights, Citizens, and Burgeffes, as all they that babe no

treehold, og babe freehold in Auncient demelne, and all women having freehold 82 no freehold, and men within the age of one and twenty years, sc. And it appeareth by the Treatife De modo tenendi Parliamentum, &c. that the Process of the Clergy fould appear, cum prafentia corum fit neceffaria (mbich probeth that they were boiceleffe Afficants only) and babing no boices. and to many learned Bilhops having voices, their prefence is not now bolden necellarp.

It is to be obserbed, that in the waits of Parliaments to the Bifbops, (being 12 E. 3 brev. . Lorda Ecclesiafical Cecular) they are named by their Christian names, and 480. 31 E. 3. name of their office ; as, Rex, &c. Reverendiffimo in Christo patri Johanni ea- brev. 342. 32 dem gratia Archiepiscopo Cantuar. oz Rex, &c. Reverendo in Christo patri Jo- E.3. brev 291. hama Episcopo Norwicens. &c. But if the Strame be added it makes not the 21 E. 4 15.

wzit vicious.

But the Abbots and Priors being Lords of Bar'iament, religious and regu, gular Lords of lar, might be named by the name of their office only, as, Rex dilecto fibi in Parliament, &

Christo Abbati Sancti Edmondi de Bury, &c.

A Dube, a Parquiffe, an Carl, and Mikount, are regularly named by their after pag. Christian names, and the names of their bignities, and rarely (yet fomerimes) 7 E. 4. bror. by their Sirnames; nogare they named by their Unighthood, if they habe any, 1634 7 H. 6. but rarely. If a Baron be a Unight, he is regularly named by his Christian name 29. It E. 3. but rarely. If a Baron be a Unight, be is regularly named by his Chriftian name, 29. 11 E. Sirname, and by Miles, og Chivalier, and his Barony. If he be no Unight, then brev. 473. be is named by his Christian name, and the name of his Barony; but if the Dirname be added, it maketh not the wait victous. And this boldeth as well where the Baron taketh his dignity of a place, as where he taketh it of his Sirname; but where the Sirname is dignified, there to make a formal writ. it is good to adde the place of his Barong.

Of ancient time the Aempozal Lozds of Parliament were commanded by the Rings weit to appear, In fide & homagio, quibus nobis tenemini; and in the reign of E 3. in fide & ligeancia, and cometime in fide & homagio, but at this day constantly in fide & ligeancia, because at this day there are no feodal Baronies, in refped whereof homage is to be done, which in ar E. 3. was the trie

cause of this alteration.

The Ecclefiafticat Barons fecular oz regular were commanded by the Bings wett to be prefent, in fide & dilectione, quibus nobis tenemini, as the Biftops and lister

are at this dap.

The find in the Holls of Parliament a writ in Anno 23 R. 2. and movedibely in every parliament, until and in the fifth pear of H. 6. amongst the Barons that came to the Partiament, it is faid Magistro Thoma de la Warre, and finne lay that the addition of Magister, was to distinguish him from them that were unichts: as in the Holl of I E. 4. amongft the Barons it is faid, Johanni de Audely armigero, for that the refl of the Barons (labing bimtelf) and the Low Clynton, were Chivaliers. And others do bold that be was of the Clergy before the dignity descended to him, and in that respect he was called Magister.

In the Moll of gill. 5. and in many fucceeding Molls, we find Baro upplied to the Lord of Greyfloth, as Radulpho Baroni de Greyfrock, and Johanni Baroni

de Greykock, and to feto others a maile soo this get

In many Molls we find the Bacons that were Unights, named Chivaliers, 11 E. g. 1861. heberein we observed, that they liked to be called Chivaliers rather then Milites brev, 47 form. after the legal wood, (for Eques suratos is not uled in Law.) For example, an in 1.08 : In anno 1 E. 4 Edmundo Grey de Rathin Chivalier, &c. and under fireftritten Bames Bat thus, Milices omnes, exceptis Johanne de Audely armigero, & Johanne domaio de Clynton. And in 3 6. 4. oil the Barons (labing the Lord Scales) have the abo dirions of Chivallers, and luberibed thus, Equites morati omnes prater dominum Scales. : And in & B. 4. all the Barone babe the addition of Chivaliers, and or an & 3 ; therefore tubferined thus, Equites surati omnes. Bereby and by many others it. appeareth, that the Barons if they were unights, were to named , and that the were not named Chivaliers unleffe they were muights. But fit the reign of H. V.

For thefe rewhen they cea-

5 mg. r

and fince, Barons are named Chivaliers in the togit of Summons, though thez be no Unights.

De Baneretto, & unde.

22 E. 3. 18. 1t. Challenge,

149.

Baner legalig Banerium, vexillum, Banerher: unde Banerherius & Banerius, i. Baro, vexillarius major, & Banerettus a diminutibe of Banerius, vexillarius minor. A Baron is called Banerherius, og Banerius, of the Baner, (being the Enlign of his honour) ferbeth for a guide and direction : to the Baron obferbing the end of his Robility, fould be an example and guide to others, as well in war as in peace, in all notable habilities and bertues, and to of the Baneret : both the Baron and the Banerer bath one kind of Baner; for the Baneret is created in the field in the Bings Bolt, and (amongst other things) be cutting the tharp point of his Pennon, and making it a Baner, i. Vexillum Baronis : to as the Baneret bath the Baner, but not the dignity of the Baron. And this doth notably appear by the case in 22 E. 3. the very words of which resolution I will first set down, and then the effect; Un fair challenge pur ceo que il fuir a Baner, & non allocatur : car fil foit a Baner, & ne tient per Barony, il ferra in Affife. That is, one was challenged because be bad the Baner and was a Baneret. & non allocatur ty the rule of the Court, becaufe albeit be bad the Baner, pet ne tient per Barony, that is, be toas no Baron of Parliament.

Nota feriem temporis, John Coupland a baliant Leader in Anno 20 E. 3. near Durbam, at Nevils Caffle, took in aperco pralio, David the fecond, Bing of Scots; for which thing E. 3. created him Unight Baneret, and gabe him lands

and libings, and in 22 E. 3. the cafe in law fell out.

For this order of Anighthood fee Camdens Britannia 124. and for this cafe of Dir John Coupland, Camden in Linc, pag. 618. See 3 5 H. 6, fol. 46. Abere the challenge was, that he was a Baneret a Logo of Parliament. Det 48 E 3.30. 48 Aff. pl. ultimo. Lib. 6. fol. 55. But Dir John Coupland toas not the firth Baneret that England had, as * fome habe thought, and was with us befoze the reign of E. 3. foz in Pelle exitus anno 8 E. 2. in Scaccario, Johannes de Cromlewele Banerettus. And ex compoto Garderoba anno 9 E. z. Nicholaus de Gray was declared by derit of E.a. to be de familia regis tanquam Banerettus, both for his precedency and falary.

For fummoning of the Commons a Warit goeth out to the Lord Warden of the Cinquepozts; for the election of the Barons of the fame, who in law are Burgeffes; and to every Sheriff of 52 Counties in England and Males for the choice and election of Enights, Citizens, and Burgeffes within every of their

Counties respectibely.

S'e hereafter, Pag.

' Speed.

The beginning of the Parliament.

At the retain of the Wirts the Parliament cannot begin but by the Royal prefence of the Ming, either in person of the representation. We representation thou wages, either to a Guardian of England to Letters Parents under the Great Seal, when the Bing is in remocis out of the Mealm ; . oz by Commission under the Ozeat Seal of England to certain Lozds of Parliament reprefenting the perfon of the Bing, be being within the Mealm, in respect of some infirmity.

Lhe Parent of the Office of a Guardian of England reciteth his speedy going beyond fea, oz in remotis, oz urgent occasions and the cause thereof. Nos quod pax nottra tam in nostra absentia quam præsentia inviolabiliter observetur. & quod fiat communis justicia lingulis conquerentibus in suis actionibus & querelis; de fidelitate dilecti & fidelis noftri Edwardi ducis Cornubia, & comitis Celtria, fili nottri primogeniti plenarie confidentes, constituimus ipfum custodem dien regni nostri ac locum nostrum tenent' in eodem regno quamdiu in dictis trans-marinis partibus moram fecerimus, vel dener inde aliud duxerimus; (And this is that capitalis. Justiciarius mentioned in Mag. Carta cap. 11. when the king is extra regoum) with a clause of afficiance. But pet if any Parliament is to be 25 E.3. nu. 10. bolden, there mult be a special Commission to the Guardian, to begin the Parliament, and to proceed therein; but the Telle of the Wirit of Summons that! be in the Guardians name.

Ror. Parl. 3 H. 6. nu. 1. H. 6. fat in Parliament when he was 3 or 4 years old, and fo did he in the 6 & 8 year of his reign. The Royal Person reprefented two wayes Th Toric a Rot. Pat. An. 34 E. 3. m. 18. The Patent of the Gardian. (hip. See Rot. Parl.

om deminifelte Was bottom fel garifti garnete, vin sine by Hill welle light Bitte appealofo district alle Lieutenant to the sting, and Carolin of Chigland, and was fummoned under the Tefte of the Barbien of Lieutenant. [- 17018 emakes, that With Aing being beyond the lead, remite to futunion a Parliament in mines, that Pide Ming being beyond the lead. Teatle to thinking a Barthment in the heading of Barthment gives to be the college of the Leaning of Barthment gives but of the Chancery. The Minglist footh in the Heading that the first mention of the head of the Minglist with the Minglist footh in the Heading the Barthment fall placed without nell luminous. I a same and to continue with the Barthment fall placed with the best for personal mention of Barthment fall placed with the fall matthment of Barthment fall with an Arthment and addition the mings Committee the Laid procedure the fame parkament and addition the tame (de). The could be the laid procedure with the fame parkament and addition the tame (de). The could be the laid procedure what, to that the Minglish was entitled to be in his fall the could be the laid procedure what, to that the Minglish was entitled to be in his mingrane of the laid procedure is rebellion they food an influence and all manners.

As bath been faid, the Bings perfon that be repetented by Committed white the great Seal to certain Lozos of Parliament authorizing them to begin the Barliament ... sub both the Garden and Inch Committionens no fit on a formplacen near tothe negrees that wo up to the Clasth af Chartetmad od ni bowell emu man

And in 28 Eliz, the Queen by ber Committion under the Breat Seal bearing date the 28 of Dadber showers, recitive stied like fiel urgent occasions could not be næseent in her kopall beston did authorize John Whirguist Archistop of Canterbury. William Baron of Baronder kyrd Kreaturer of England, and Incho-andron & French and Merchy Lord Steward of the Bouldard their veing, Add incho-andron & French and Merchy & Additional & French and Merchy & Additional & French and Merchy & Additional & Partial England & Provogandom & Incho-andron & French and Merchy & Bourge & House & House Barone & Merchy & Committion & The Lords Barone & Merchy & Committion & Committee & Committion & Committion & Committion & Committion & Committee & Committion & Committion & Committion & Committion & Committee & Committion & Committion & Committion & Committion & Committee & Committion & Committion & Committion & Committion & Committee & Committion & Committion & Committee & Committee & Committion & Committee & ing date the 28 of Daober shoots, reciting find the fur lurgent occasions could

Abus much half kuffier, idlen the Rings perlon Pall be reprefented. Amis 2000 But when the Barliament Addengt begin at the day of the return, but to, eece tain urgent lauks then to be provided until another day, and then to be power before the Ring, there is a ready way for the effecting thereof, and that is by that it patent indeer the whole Great weal, retiting the Marit of Dimmions, and to bear Telle befoze the return thereof, and figned above with the minge nuall, and directed Prælatis, magnatibus, proceribus hujus regni, ac militibus, civibus, & burgenfibus convocatif & electis at not Parliamentum pro quibufdam onlin & confiderationibus, &c. in percognethe Barliament to a certain barrand at the return of the Summong other exting teams read in the Mypenikouse before certain of the Lord of Barlament, our of the Commons there allembled, and prorogation mede accordingly, the Parliament is prorogued and this was fo processed that the included the Parish of the Parish of Parish and the solution of Parish and the solution of reitisleges and liberties allowed to them. Pecondie, that in any doed lians

petiver in the name of the Commons (the half connect any errour) not ault frang errour) notault ad Dn the fiell jone of the Parlinnent, othe Ming, or moil continuents the Roge Chancelloan ad interper weithe Cheat Seal, in the gretence of the Lorde and Commons, suches increases of the calling of his PhysiConeros Minimum. Out the Case of the call of all and ming

BH.S. cap Tio Nota, Dida roffde fiftestä Letters Parconde chis offices in war a quantation in parabolist ran man rinis morano feberimus, o fut fuy.

Roc Part 3 E. A Rot Lavita. Lke Letters Paof Wirwan the mi. Toron ar Parl, 18 Eliz. See an excellent prefident hereof

locclauf. Anno 8 E. 1 7. Sept, m. 16. & I pars pat. An 8 E. 2 m. 26, with a comman-dement of actordance.

Simile 10 H. se a parceaton and 13 H. schuy.

13 H. schuy.

Gardiani Angliz

Gardiani Angliz

Prorogued Writ Patent

Diet. 3 El fot And herein the muce errech, for helethe Parliament begun note of the Speaker

Radwo llast wa a is choken.

4. E.3 Sirville King may appoint any other; as many times, the Chief Julice of Angland, and in Thorse Chief Cometimes of Come other, as may appear in the Paulisment Kols, only one A will.

Juftice. a 17 E. 3.nu.7. 8. Sir Rat. de At the day his Henry Green the Bings Chief Julice, although the Lord tranfcribe. Si this day his day his day Green the Hings the Lagos and Commons.

Receive F.

**Chancelles were pretent) in the pretence of the Hings the Lagos and Commons.

Receive F.

**Declared the causes of the Perliament of the Hings the Lagos and Commons.

**The continuents of the pretence of the peace of the states of Perliament of the peace of the interior of the peace of the a Muoge was Lozd Chancelloz, be took no tert, but in manner of an Destion Gelo-Chief Juffice. ed lummanily the raules of the Parliament.

To E. S. M. L. Sir Jo. Knows Chief Justice. (7 E. 3 nu. 13 by Sir Robert Africa the King) Chamberlain. Parl. 36
E. J. L. Simon Langbain B. of Ely Chancellor. 6 And fo was it done ever offer. 4 R. 3. nu. 12. The causes of Parliament were in ancient time showed in the Chamber de peint, or Sa. Edwards Chamber. 4 Parlia, 27 E. 3. hu. 2.

utique augilias a tragit The Election of the Speaker. any the Sa ada ated gui

It is true the Commons are to shuft their Speaker; but feeing that after their charte the Bing may refule him, for availing at expense of time and contestation, the use is a sin the Conge de ther of a Bishop) that the Bring noth name a nicepeet and learned man whom the Commons elect a but without their election no Speaker can be appointed for their, because he is their mouth, and tention his their, and to necessary, as the Boulle of Commons caused it interport him; and therefore a guestous betweele is a good soule to remode him, as in 1 H. 4. John Chenye Speaker, choics and allowed their in his place; and is was be could not lether discharges, and sair John Doreward choics in his place; and is was william surfaces, and it is place and it is the man elected and it John Doreward choics in his place; and is was a choice in his place. At the Marishment bolden in 15 h. 6. Set John Tirrell Buight was choic n and allowed Speaker, and to grievous sicked necks removed, and William Beerly Clas, choice in his place, of

nels removed, and William Scerly Elg.; cholen in his place, et.

But ficknelle is no caule to remove any Anight, Citizen of Butgells of the Boule of Commons: Do note a divertity between the Speaker, and any other of the House of Commons, and this othersity being not observed begat an error by fome opinion in 38 H.S. cit. Parliament Brook 7, sor continual experience is to of, and figure about out offer Dingration ad

- and the Presentment of the Speaker . desgrad a sadiv

Compen the Commons bave chalen their Duraber, the perfon elected fanting in his place, vilabling himself to undergo to weight a charge, as in his discretion be thinks lit, between them to proceed to a new choice : which being benied, and he fet in the Chair, then be properly them to give him leave, that he may offable him telfed the ming a state this they prefent him to the ming in the Lords Boute; toped after he hath offabled himself to them before the ming, and to the whole body of the means, and made humble but to the ming, less by his infamiliance, the body of the means, and made humble but to the ming, less by his infamiliance, the body of the material made behaved, the beath are not find them to the ming of the material made behaved, the beath are to the ming of the material made behaved. The material is the material of the material and the family their heart with a material ministration. commerce we spe scann may be privaged, as be vindinged, and a more historism mane to be exposed if the de allower by his Pascally, then he maket a Procedulation commend in this Partitionent may have free heerd, as of right and by cultonish hep have after and all their ansient and find privileges and liberties allowed to them. Decombly, that in any thing he half beliver in the name of the Commons (if be fall commit any errour,) no fault may be arressed to the Commons, and that he arressed to the Commons had repaired as the Commons. the presention of their true intent, and that his error may be promosto . The thinties that as uties as nerellity for his Cointies fervice, and the good of the cointies healt require, he may be the direction of the Pour of Consumous bettercrete to his novall Perfor.

47 E.2 nu. 2. Sir fo Kwoes Chief Juffice.

#15 8: .1e

clident bereef. count . Number

Sicknels caufe so remove the

1H 4. mu. 62, 63. Rot Parl I H. 5. nu.9, 10, 11. Rot. Parl. T. H. 8.nu 10. & 37.

Sickness nocause to remove a Member of the House of Com-38 H & Parl. Br. 7.

What the Spea-ker shalldo when e is chofen.

The King may allow of his exhim as Sir John 28 H. 6.m. 6. The Processarion of the Speaker.

This is in the Parliament Rolls called a Protestation in respect of the first Rot Par. I R.a. part, the nature whereof is to be an exclusion of a conclusion, and berein that the nu. 15. &c. Boule of Commons be not concluded to speak onely of those things which the Roc. Parl. 2 H. 4. Ring of Lozd Chancelloz, ac. hath belivered to them to be the caules of the cal-ling of this Court of Barliament, but in a Parliamentary course of all other are it. Avoge Speaker. buous and urgent bulineffe, tobich pzincipally conuft in thefe five Beanches, as 7 H 4.nu.rt. it appeareth in the suzits of Summons to the Lozos Spiritual and Tempozal. viz. Sir Jobs Tibetofe

na.30.1 H.5. nu. 7. 2 H. 5. nu. ro. And fo in fucceeding times called a Protestation.

The Matters of Parliament.

e. Couching the King. 2. The trate of the Kingdome of England. 3. The Rot. Parl. 9 H.4. befence of the Kingdome. 4. * The flate of the Church of England: and 5. The Indemnity des defence of the same Church. And this appearet by expecte words in the Par- Seignior & Comliament tarit in thele woods: Pro quibusdam arduis urgentibus negotiis, nos, mons, not printed statum, & defensionem regni nostri Anglia, & Ecclesia Anglicana conternenti. "See W. I. Anno bus quoddam Parliamentum nostrum, &c. teneri ordinavimus, &c. And these amble, the state of the Binghouse I are large mong and include the words [the flate and vefence of the Kingdome] are large words, and include the of the Realm, & reft. And though the flate and defence of the Church of England be last named of holy Church in the Marit, pet is it first in intention, as it appeareth by the title of every Mar. And the 2. part liament: As for example, a To the honour of God and of holy Church, and quiw.i.cap.t. & in etness of the people, &c. IN SHOW

Pow for as much as divers laws and Catutes have been enaced and provided a 36 E. 3. for these ends asozelaid, and that divers mischiefs in particular, and vivers grie- so E. 3. &c. vances in generall concerning the bonour and lafety of the ming, the fate and befence of the Kingbome and of the Church of England might be prevented, an 36 E. 3,cap. to. excellent late was made Anno 36 E. 3. tobich being applied to the fait warits of Parliaments Parliament both in few and effectuall mozds fet boton the true subject of a Parli- ought to be holament in these mozds. For the maintenance of the said Articles and Statutes, denonce in a ament in these mogos. For the maintenance of the law Atteres and Satures, year, and redresse of divers mischiefs and grievances which daily happen, a Parliament 4 E. 3.cap. 14. shall be holden every year, as another time was ordained by a * Statute.

Befoze the Conquest Parliaments were to be bolben twice every year, Cele- cap. 5. berimus autem ex omni fatrapia bis quotannis Conventus agitur. Ming E. 1. hept a Parliament once every two year for the most part, and now it is enaded, that a Darliament hall be bolden once every year.

The Romans banquifed our Ancestogs the ancient Beitains, tog that they als Tacinus in vità fembled not, they confuited not in common with them, noz Common Councels, Agricolz, pagas Tacitus in vita Agricola faith. Nec aliud adversus validiffimas gentes pro nobis Noia, Commuutilius, quam quod in * commune non confulunt. Rarus ad propulfandum comne confilium.
mane periculum conventus. Ita dum finguli pugnant, universi vicuntur. But to Conventus. return to the matters of Parliament.

And it is enaced and beclared by Authority of Parliament in Anno 4 H. 8. 4 H.S.c.8. That all fuits, accusements, condemnations, executions, fines, amerciaments, punishments, corrections, charges, and impositions at any time from thenceforth to be pur, or had upon any member, either of that prefent Parliament, or at any Parliament at any time after that Act to be holden, for any Bill, " peaking, reafo- " Neque cimids ning, or declaring of any matter or matters concerning the Parliament, to be problem, neque communed, or treated of, be utterly void and of none effect. This latter improba fortitude. branch is generall. Bow what matter of matters concern the Parliament appear eft utilis. before. And this claufe of the Ad of 4 H. 8. is declaratory of the ancient law and custome of the Parliament.

And this both not only appear by the wirits bireded to the Logds of Parlia. The like Wist to ment, but by the wirits tog election of the Commons. Fog example; The Writ all the other to the Sheriffe of Pozfolk foz election of the knights, Citizens, and Burgeffes Counties, faving within that County is, Rex Vicecomiti Norff. Salutem. Quia nos de avifamento in Wales they & affenfu conciliu nothei pro quibufdim arduis & progentibus pedociie, nos desum have but one & affensu concilii nostri pro quibasdam ardnis & urgentibus negotiis, nos statum. Knight and one & desensionem regni nostri Anglia, & Ecclesia Anglicana concernentibus quade Burgess. DESCRIPTION OF

Inc.legs Edgs

a Nota, ad faci-

endum & con-fentiendum. two Citizens, and out of every Burgh twe Burgeffes.

dam Parliamentum nostrum apud, &c. teneri ordinaverimus, & ibidem eum Prælatis, magnatibus, & proceribus dicti Regni nostri colloquium habere & tractatum: iph Vicecom. Norff. pracipimus firmiter injungend, quod facta proclamatione in proximo comitatu tuo post receptionem ejusdem brevis, duos milites gladiis And every City cincos, &c. eligi faceret, &c. a ad faciendum & confentiendum hiis quæ tunc ibidem de communi concilio nostro Angliæ (favente Deo) contingerent ordinari b super negotiis antedictis, ita quod pro desectu potestatis hujusmodi, seu proprer improvidam electionem Militum, Civium & Burgenfium prædict' dicta negotia b Nota, super ne- nostra infecta non remanerent quovismodo. And this power extendeth equally gotüs anedictie. to all Anights, Citizens, and Burgeffes of Parliament.

What the Speaker shall do after his allowance.

After the Commons with their Speaker are come from the Lozos boule, and that the Speaker is fet in the Chair, then be defireth the Commons, that feeing they have chosen him for their mouth, that they would favourably affift him in their arduous and important affairs: and that he would do them the bell tervice be can with all viligence and faithfull readinede, of to the like effect.

The Writs of Summons of Parliament, which are to be found in the Close Roll from time to time.

Seeing the Summons of Parliament (as bath been (aid) is by the Kings weits, which tend to the beginning of the Parliament, it thall be necessary to 227. Fleta li. 2. speak somewhat of those writs. And it is to be observed, that the substance of ca.12.W.2.c.25: those writs ought to continue in their originall essence without any alteration, oz addition, unleffe it be by Act of Parliament. Foz * if oziginall weits at the Common law can receive no alteration og addition but by Act of Parliament, a multo fortiori, the weits for the Summons of the bigbeft Court of Parliament can receive no alteration, or addition, but by Act of Parliament. wahere e the write of Summons iffued out of the Chancery and were returnable in the Court of Parliament, the return thereof could not be altered, and returnable into the Chancery, but by Act of Parliament. And because the Office of the the words of the weit for election of unights, ec. were, a duos milites gladiis cindos, &c. it required an Act fof Parliament, that notable Elquires might be eliaible.

Wallingham faith, that in Anno Domini 1404. which was anno 6. H. 4. in the writs of the fummons of Parliament, there was above by the King a indoctum Parlia- commandement in the weit, that no Lawper should be returned knight as Burgelle, (but the Histozian is beceived, toz there is no luch claule in those write, but it was wrought by the mings Letters by pretert of an Devinance in the Lords Boule, in 46 E. 3.) But at the next Parliament in 7 Hen. 4. at the grievous complaint of the Commons, being intercupted of their free election by thote letters (which were Letters of Julice and right) it is, amongst other things, enacted, That elections * thould be freely, and indifferently made, notwithfand. ing any prager, or commandement to the contrary, i. fine prece, by any prager or gift, & fine pracepro, without commandement of the Ming by wait, og otherwise, or of any other's which was a close, and prudent saive, not only for that sore, but for all other in like cafe, and it is but an Ad declaratory of the ancient law and

cuffome of Warliament.

Petitions in Parliament.

On the field day of the Parliament, after the Commons be departed to choole their Speaker, then are certain Juftices Affiftants, and Civilians Mafters of the Chancery Attendants, viz. four Auflices, and two Attendants appointed

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Bract.1.5.f.413. Britton. 122. I part of the Inft. Sect. 101 Epift.ad librum. 67 H.4.Ca.15. Rot. Par. 5 R 2. nu.1, 2.&c. they be now returned into the Chancery, and kept in Clerk of the Crown there. d 23 H.6. ca. 15. Parl. 6 H. 3. This was called mentum, lacklearning Parliament. Rot.Par. 46E.3. nu.13.5 R.2.C.4. 7 H. 4. ca. 15. See hereafter more of this marter, in this chapt. pa, and who be eligible, &c. W. I. ca. f. 3

E.I. 01 1

appointed to be receibers of the Petitions of England, Ireland, Wales, and Receivers of Pe-Scotland, and that those that will deliber their petitions, are to beliber them ticions of Engwithin fix dages following. At that time there are other Austices and Cibili- Wales Scotland ans attendants, viz. three Juffices and two Attendants appointed to be receibers *Gafcoign, Guyof Petitions for Balcoign, and other * places beyond the Beas, and of the Iftes, an, Poyters, Nor-

and that they deliver their Petitions within fir dages, ac.

Then are appointed of the Pobility, Lozds of Parliament and Bishops, viz. Ar of the Robility, and two Bilhops, to be triers of the faid Petitions for Eng. Triers of Petiland, Ireland, Males, and Scotland; they together, oz four of the Dzelates and tions. Lozds afozelaid, calling to them the Kings learned Councel, attendants in Parliament when need fould be, and to fit in the Chamber of the Treasurp. The like appointment of the Robility and Bispops to be triers of the Petitions for Balcoign, and other places beyond the Beas, and of the Mes, and a place appointed for their fitting, calling to them the Mings learned Councel when need should be. Foz petitions to be pzeferred into the Lozds Boule in Parliament for the Countries and places aforesaid, this was the ancient constant law, and custome of the Parliament continued untill this dap. Wiberein thefe three things are to be observed; First, the extent of the Jurisoidion of the Parliament of England. Secondly, that for expediting of caules, there hould be receibers of all Petitions, both of Judges of the Mealm for their knowledge in the Laws of a Ro. Par. 18 the Kealm, and of Civilians attendants, who might prepare and inform the triers, being Lozds of Parliament, of the quality of those Petitions. Abirdly, 66. 81. 17 E.3. that there haulo be of the Lozds Spiritual and Tempozal triers of those Peri- nu. 55.56. tions, to try out whether they were reasonable, and good and necessary to be 36 E.3 nu.35. offered and propounded to the Lords.

Df Petitions in Parliament come be of Kight, some of Czace, and some mirt 47 E.3.nu.16. of both; some preferred by the Lords Spiritual, some by the Lords Temparal, 1R.2.n.132 &c fome by the Commons, some by the Lozos and Commons. Extra Parliamentum b Rot. Par. 17 E. nulla petitio est grata, licet necessaria; In Parliamento nulla petitio est ingrata, 3.00.60.25 E.3. fi necessaria. . All Petitions ought to contain convenient certainty and parti-

cularity, fo as a direct anfwer may be giben to them.

Petitions being timely preferred (though bery many) habe been antwer- 1H.4.132.2H.4. ed by the law and cultome of Parliament befoze the end of the Parliament. 3.25.3 H.4.113 This appeareth by the ancient Treatife, De modo tenendi Parliamentum, &c. in thefe words faithfully translated in a fair and ancient Panuscript, for Bills and Petitions. The Parliament ought not to be ended while any Petition de. 50 E.3 nu.52. pendeth undiscussed, or at the least, to which a determinate answer is not made.

And in the Parliament Kolls, there is a Title towards the end of the Parlia. 18 E. 3. ca. 1.4. ment, The Petition of the Commons, &c. with their anthor entred and re. 10 E 3 nu. 17. corded in the Roll of Parliament. And one of the principal ends of calling of Rot. Par. I H f. Parliaments, is fog the redgette of the mifchiefs and griebances that daily bap- nu. 17.13 H. 4. * Innovations and Povelties (fometimes tearmed in Rolls of Paliament ma.9.11 H.4.c.9 Novelties) in Parliamentary proceedings are most dangerous, and to be testiled. Novelties.

And sometime the king doth answer the Petition of the Commons by the assent d 36 E. 3. Ros. of the Pzelats, Counts, Barons, and Commons themtelves: fuch unity bath 19, &c. teen for the common good in Parliaments in former times.

Appointment of Committees of Grievances, O.c.

The Commons being the generall Inquifftogs of the Mealm , babe paincipall care in the beginning of the Parliament to appoint pays of Committees, viz. of grievances (both in the e Church and Common-wealth) of Courts of Braken. Gra-Juffice, of priviledges and ofabbancement of Trade. Thele Committees inben they meet, they elect one of them to fit in the Chair in likenels of the Speaker: lem lædere ma-

Wales, Scotland. mandy, Anjou,

E.s.fo.3.& 16. 43 B.3.nu.19. 45 E.3.nu.33. 212.1 R.3.134 &c. 2 R. z.nu. 38 23 E 3.nu.42. 25 E. 3.nu. 12. 36 E.3.nu.3 I. 6. 36 E.3.e1.10.

vius eft æternam quam rempora-

appeareth by the statute of 36 E. 3. cape ro. That it is one of the principal ends of the Parliament, to redresse grievances. And the words of the Weit of Parliament be De andnie & urgentibus negociis, flatum & defenfionem Ecclefid Anglicane concernentibus.

the Committee may examine and bote the quellions handled by them, and by one, bohom thep appoint, report their refolution to the Boule, and the Boule, fitting the preaker, to determine the same by question.

Absents, Proxies.

21 E. 4. 50. The ancient Record, De medo tenend. Parl, &c. vers.finem.opti-

Any Lozd of the Parliament by licente of the ming upon just cause to be absent, map make a Prory : and in the bundle of Prories Anno 5 H. 5. it appeareth, that in those bays a Spiritual Lozd of Parliament might have made his Proxie to the Procurators of the Clergy, or to any other Clerk, but at this day be cannot make it but to a Lozd of Parliament : but a unight, Citizen, oz Burgels of the Boute of Commons cannot by any means make any Prorp, because be is elected and truffed by multitudes of people.

Of the ancient Treatife called Modus tenendi Parliamentum.

Poto for Antiquity and Authority of the ancient Areatile called Modus tenendi Parliamentum, &c. whereof we make often ule in this part of the Institutes ; Mag. Carea ca a. certain it is, that this Modus was repeated and beclared before the Conquerous at the time of his Conquett, and by him approved for England, and accordingly to the Conquerour according to Modus beld a Parliament for England, as it ap-Sed. 164.folito peareth in 21 E 3. fo. 60.

After king H. 2. had conquered Areland, he fitted and transcribed this Modus. into Ireland in a parchment Roll, for the bolding of Parliaments there, which no doubt H. 2. did by advice of his Indges, being a matter of to great weight and legall. This Modus in the parchment Holl transcribed as afozesaid by H. 2, remained in Ireland, and in anno 6 H. 4. was in the cultop of Dir Christopher Preston Anight, a man of great wishome and learning, which Holl King H. 4. in the fame year, De affensu Johannes Talbot Chivalier bis Lieutenant there, and of bis Councell of Ireland, exemplified for the better bolding of the Parliaments there; and in the exemplification it expectly appeareth that H. 2. did transcribe

tiquam relevium, this Modus, as is abovefaid, This Modus was feen by the makers of the Statute of Pagna Carta, Anno 9 pro comite integro H. 3. cap. 2. concerning the reducing of the * ancient reliefs of entire Carlbomes, Baronies, and Unights fees according to fuch proportions as is contained in the Modus, which they could not have done to pundually, if they had not feen the same, whereof you may read moze at large in the First part of the Institutes, Sect. 103. fo.76. Verbo Relief. And tome part of this Modus is cited in the Parliament Boll, Anno 11 R. 2. and other Records of Parliament, and upon diligent fearch we can find nothing againatit. But many very ancient copies you may find of this Modas, one whereof the bave feen in the reign of H. 2. which containeth the manner, forme and ulage Gilbert de Scrogel Parhall of England, in what manner be occupied and uled the faid room and office in all his time, and how be was admitted ec. at the Cozonation of H. 2. and of his anight Pariball. and other inferiour officers, ac. and abjorned thereunto, and of the lame band is this Modus. as fit for bim to know.

But left it may be faid to me, as it was once faid to an Deatour, who having froken much in commendation of Hercules : It was bemanded of one that flood bp. Quis vituperavit? Ad quod non fuit responsum. But noto let us return to

Porics.

A Lord of Barliament by license obtained of the Queen to be avient, made Peorte to three Lords of Parliament, Conjunctim & divisim dans eis potestatem tractandi, tractatibufque auxilium & confilium impendendi, atque statutis & ordinationibus, que inactitat' contingerint, consentiendi, ita quod non sit melior conditio occupantis. And one of the Procurators gabe confent to a Will, and

See the fecond part of the Inft. e the fift part of the Institutes

See the 2. part Inft.pa, 8.the Charter of King H r.at his Coronation having relation to Modus tenendi Parl, See also the Charter of K. Jo-

viz bares comitis 100 1. heres Baronis pro Baronia integra sco marc. & beres militis de feodo militis integro, 5 l. See Mag. Cart.

Par. 246.per an-

" It is justly caled antiquum re-levium because it is according to

the proportion of this ancient Modus,

At the Parliament helden An I Elz.

cultion co

himself nor his lecaline nor his people in luch this de Bogdin all in of the Leid and Come

moss in Parlia.

ment, and there. fore it K. John had done it by the Common.
Councel of his

the time others la.p. not content. And first it was by other of the Lardy pelaten amongst the Audges and Civilians attendants, our conscioed by them that this, was no woice, and the aginion was assumed by all the Aogus of Barliament amongs the Judges and Cipilians attendants, sun conceived by them that this boas no voice, and the apinion was assumed by all the Lozds of Parliament serialing. Another question was moved at that time, that if a Lozd of Parliament ment make a Propy, and after come into the Lozds Bodie of Parliament, and st there without arguing, consenting of peaking one thing; and it begeonies the the France and Civilians, that his attendance that by the Aunges and Civilians, that his litting there without laping any thing was a respection in law of his Weary, a Forwari, if he maved, of head to any matter there propounted, and their appoint home refolded by the Lord foriation.

And these inere the province of the Million of Bathe, the Lord Howard Chamber. lain, and of the Look Windelor.

Ring John in the 13 year of his Keign being in extream fear of both the Pope and a mount of French Ring, and especially of his own subseries (and both is tear, Lib Super statist Solomon, but a betraying of the succeurs that reason affects) sent Am. Marpy, postering bellevours to Admirelius Murmelinus great Emperous of Luthy Air Thomas and married Herringson and His Release Nicholson Unights, and Die Robert of Lundon. Ciert. Nuncios suos secresissimos, to affer to be of his meligion, and to make his Bingdome Eributare to him, and he and his fuhicus to be his vellelle. and to bold his mingbome of him. But that Aufibell great Pringe, as a thing unweither of a king, to deny his usligion, and betree his hingdome, utterly resulen to accept. Ming Jolin in the 14 year (the next year) of his reign by his Charter is May, by the threats and perfinalism of the Popen Commillary Pandulphus furrentzed bis mingtoms of England and Aceland to Pope Innocent the Lbird, cum communi coofiles Baronum, (ante infertes thirein) and that thence farmers be insule held his Crotom as feature to the Hope, paping for both his hingsomes 1000. marks. Authorizing of the Hope is the blank of Pepdolphus, and taking of the Crotom from his bear farrendred it to the Pope by Pandalphus, at inhale fact he lain all the Mope all Enlique, his Ocepten. Omard and King a all inhale has atternate accepted, approved and ratified by the Pope, by his Bull today has called Built. aurea.

Gregorius Papa petite Rege B. t. penlitetas annum renfunt 1000 merc. Rex Rot Cl. An . B. respondet se sine presatis & proceribus regni non posse respondere, & quod 1 m. 9. in Sebe-Jurejurando in Coronatione fua fuit aftrichus, quod jura regni fui fervaretilliba- dula, ta, net aliquid quod Diadema tangat regni ejuidem abique ipforum requifirmm confilio facerer.

In anno 40 E. 3. the Pope by bis Enthallabour bemanden of the Bing Boundes, Roc Pariso E. In anno 40 E.3, the Bope by his Amballabour penuances of the Bing Bonnage Rec Participation the Bingsome of England and land of Breland, and the averages of 10001 in all Ar Archimarks by the year, granted by King John to Bope Innocent the third and never provide his furcestors, and theretae that if it there not paid, the Bope has related by proceed against the Bing. Ambereupon the King in the Jordannent (faith the Keng Court of Barliament, and in the beginning of that Barliament (faith the Keng Court of Barliament, and in the beginning of that Barliament (faith the Keng Counts). Fine months a less Prelates. Dukes, Counts, Barons, les Chivaliers des feribe in processes. Citizens & Burgesses en le presence le Roy per le Chancelor, comment, ils avoient entendue les causes seusten del fummoun del Parliament en generally mes la volunte le Roy faith que les causes seusten montres a cux en especially dit que le Roy Johan fesoit au Pape de luy faire homage qui luy devoreit paid dit que le Roy Johan fesoit au Pape de luy faire homage qui luy devoreit paid dit que le Roy Johan fesoit au Pape de luy faire homage qui luy devoreit paid dit que le Roy Johan fesoit au Pape de luy faire homage qui luy devoreit paid dit que le Roy Johan fesoit au Pape de luy faire homage qui luy devoreit paid dit que le Roy Johan fesoit au Pape de luy faire homage qui luy devoreit paid dit que le Roy Johan fesoit au Pape de luy faire homage qui luy devoreit paid dit que le Roy Johan fesoit au Pape de luy faire homage qui luy devoreit paid dit que le Roy Johan fesoit au Pape de luy faire homage qui luy devoreit paid dit que le Roy Johan fesoit au Pape de luy faire homage qui luy devoreit paid dit que le Roy Johan fesoit au Pape de luy faire homage qui luy devoreit paid dit que le Roy Johan fesoit au Pape de luy faire homage qui luy devoreit paid dit que le Roy Johan fesoit au Pape de luy faire homage qui luy devoreit paid dit que le Roy Johan fesoit au Pape de luy faire homage qui luy devoreit paid de luy faire homage qui luy devoreit paid de lu gleterre & is terre D'irland, & que perconfe du die homage qui luy devoroit pai-er chescun an perpetuelment mille marce, est en volume de fair proces devers le Roy & fon roisim pur ledit fervice & cons recoverir; de qui le Rai pris audits Prelats, Dukes, Countes & Barons leur avys & ban confeil, & ce qil enferrait; en cafe que le Pape vorreit proceder devers buy, ou fon de rainime per celle caufe: & les Prelats requeroient au roy quils le purroient per eux foul aviler & respondre landemain, queux Prelats ledit lendemain adeprimes per cux mefmes, & pues les autres Dukes, Counts, Barons & Gentz respondirent & distoient, que le die Ray Johan ne nul autre puera metre lai, ne son soisles, ne son people

the Common tale, taine be the civil and Conon take forme be perceiber later and

King, the Lords

and alocie it

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appeareih it cap.

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out 'Authority' of

Padinacht)

ver mil coatra le-

- Afra Con Jucka-

du m Pariamen. H, to do fuch a thing, as by the nex: Recoid in Ash ; appea-

Barons, as his Charter purpory ted, yet it bound not, for that it was not done in Parliament by the King, the Lords and Commons : and albeit it might (as here it appeareth,itcan. not be done without Authority of Parliament) yet it is Contralegem & consuetu-dinem Parliamenti, to do fuch a thing, as by the next Record in 42 E. 3. appeareth. *Ro.Par. 42E.3. nu. 7. Lex & confuetudo Parli-Rocci, Animaga

No King can put himself nor his Realm, nor his Realm, nor his communic successful the communic success Barons, & la commun. per encuvoir louravys & borrounfeil, se demande de cux ce qu'il Ray enferre en cale que le Papa vorroir proceder ou nem actompt ter devers lui ou fon refatme per celte capie? Queux Prelacs; Ducs "Countes." Barons & communes en fair ce plein deliberation responderont & desbient dane accordes que le dit Roy Johan ne null duffe put ra mettre tily he fon wolahue ne fon people en del subjection lanz allene de eur de come piert per pluscons evidences, que fi ce feult fair, ce feult fair land behraffent, & encontre fon ferement en fa Coronation : Et outre et 1d Ducs, Countes, Barons, Gonts & Communica accorderent & grunterent que en affe quele Pape fe afforterent ou rien attempteroit per procession en auter manere de fainde confireindre le Ruy ou fes fabjetts de per fair ce queft dit q'it voecclumer telle partie qils refiftont & confire efterront Paraulphus furringen bie Bengdoms of Contant and Saskilibetelengows This Roble and privent King took the faireft and furest way to gibe fa-

tiplaction, whereof the Pope being certified, the matterever fince hath telled for both his hinguisines 1000, marks. Conversion book from beginning

" It is beciaced by the Logos and Commons in full Parliaments upon vemano made of thenron the behalo of the ming, that they could not allent to any thing in Burliament, that tended to the differiton of the Ming and his Crown, whereinto they were twozn: See beteafter in the cafe of Ireland, Cantina oun ondoroge , or

xall atam boos Lex & Confuerado Par liamenti. 19 9 surrogato respondet se fine pralatis & proceribus regai non poste respondere, & quod

- By the ancient late, and cultome of the Parifament a proclamation ought to be made in Buellminter in the beginning of the Barliament, that no man upon pain to loke all that he bath, should during the Parliament in London, Westminster, of the Suburbs, oc. wear any prive coat of plate, or go armies, or that games of other player of man, women, or children, or any other passines or strange sprins fouis bethere used during the Parliament's and the reason bered toas, "that the Digh Court of Parliament fouts not thereby be villared on the mention there." of (which are to attenuthe armous and urgent buline fie of the Church and Com-Court of Barti munt, and in the beginning ofestitioged son winds (Hillsed nom

* It is allo the law, and cultome of the Parliament, that when any new device is moved on the mings behalf in Partiament for his alo, or the like, the Commons map animet that they tended the Bings etate, and are ready to all the fame, only in this new bedice they bare not agree without conference with their Countries ; tobereby it appeareth, that fifth conference is marrantable by the law and cultome ad Pape de ley faire homege pur infinitaria To

And it is to be oblerved, though one be tholen for one particular County, or solvings, bet when he is returned; and At in Parliaments, be lerveth for the topicle Meatin, for the end of the comming hither, as in the writ of his election appearety, is generall, ad faciendom & confernmentum his que canc & ibiden de communi conffiie dich reght nouri (favente des) contigerint ordinart faper negodis pradictis. 1. pro quibuldam arduis & urgentibus negotis nos, flatum, & defenfionem regni nofter Anglia & Ecclefia Anglicana concernentibus, which are de pues les mures Dukes, Counts, Barens & Gengich adt in Sichaf denissiffe

and an every Court of Inflice bath laborent cultomes for its birection, fome by the Common law fome by the civil and Canon law fome by peculiar laws and cuffen es

m. g. in it iç. 7 E.z.Stat. De defensione por-E 3.ca. 3. 10 7 Ros Par. 6 E 3 14 nu. 2.14 E.3.44 3.15 E.3.nu.2. 17.E.3.nu 3. 18 E.3.04.2 as E.z. Gapt. u. 58.25 E.3. flat.z.nug.&c. Privy coat or Armour, Games or plays. Rot. Par. Anno 13 E.3.n. 5. &8.

Lex & consuetudo Parliamenti.

customes, oc. Da the Digh Court of Parliament Suis propriis legibus & confaetudimbus subsilitie. It is "lex & consucred Parliament, that all including institutes bus est quarea
in any Parliament mobile concerning the Peers of the means, or Consucretion
Barliament assembles, oughtto be netermined, and anjudges, and offension lating cognizacourte of the Parliament, and not by the Civill-late, not yet by the Candinon lating Fiera lib, a case
of this steams also in more interious Courts is bottom to the procedure of the second of the parliament. duch legem & conductudinem Parliament, concerning to person the meating by the King and all the Lords Spirituall and Composall; and the like part ratione of the Inflience is for the Commons for any thing moves or come in the Boute of Commons Sea. 3. Verb Es and the rather, for that by another late sum rulings of Posligament, the hing can la let, not take righter of any thing laid or done in the Boule of Commons, but by the research and the port of the Boule of Commons, but by the research and the port of the Boule of Commons is and every member of the Bartisment bath a judgment by the control of the Boule of Common series of the Bartisment bath a judgment by the land of the common laids, but fecundum legem & continuent laids, but fecundum legem & continuent bath and the better by the Marchals case.

Judges in divers Bartisments have continued. And the both that supportance of Arundels case. committed in any Court outsibable by that Court, must be punified (proceeding Ro., Parl, 34 H. 6 criminally) in the same Court, of in some bigher, and not in any inferious Court, must say, 88 Bis and the Court of Burliament bath no higher.

Of pon this petition exhibited to the Bing abbenein the quellion fore, inbether the power indich he had railed was Digh Areafon, oc. which petition (faith the ming) let be velivered to the Authors by them to be contracted. Thereforen the

Logds made protestation, that the order thereof belonges to them, which was to them allowed, and they resolved it to be no treason.

And because he had a case in 3 B. 3. 19, conterning the law and rustome of Parliament, we have thought good to set down the Becope of that case the necessin verbum, and then to examine the report of the said case, and the opinion there believed, wherein we hall order the learned to consider well the statute of 5 R. 2. sar. 2. cap. 4. and therein to consider what the treatment of the said that the dates of the said that the said the beautiful of the said that the said

Oban. Epifcopus Winton in mifericordin pro pluribus defalties Idem Johan. Episcopus ettachat fuit ad refpandende Domino Regi, de so quare cum in Partismiente Regis apud novam Samun unper tent per in fum Dominum Regenienbibitum fuiffet pe quis ad dictum Parliamentain fungmonitrie ad codem reorderet fine licenc. Regis Idem Epifcapus divante Parliamente pradict ab codem fine licencia Regis, receffit in Regis contrapente memifeltum, de contra inhibitionem Regie fupradiction. "Erunde idem Dominio Ren per The Declaration Adam de Fincham, que feminer pro es divisqued praditiva John. Epifcopus fecit vi transgreff et contempenini predicte. in kontempt. Regis mille librarum Et boc officer grarificare per Donalloge, Grs.

Es pradicins Episoque in proprie per sont se contractafendis Bishop to the juaft unne de paribus repnies Pralume fuerof fincle for en in eff demire ad Parlimentena Dom Regioper fundamitionen es pode elintate ipfius Dom. Regis cum file placuerie, * Et dicie print fo quite - "Nois hoc. orum deliquerit erga Dom. Regem in Parliamento aliquo, in Parliamento debet corrigi et emendari, et non alibi in minor. Cur. quam in Parliamento; per quod non intendit, quod Dom. Rex velit in cur. bic

R. a. Bu. 7. See the first part of Arundels cafe. The Earl of Northumberlands cafe. Vid Rot. Parl. 9 H.4. Indemnity des Seigniors & Commons,

Pafch. 3 E 3. coram Rege Rot.9. Nota, that this was by Writ O. riginall.

The Panincains his former plea to the jurifilied

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Ro.Par.II 2.mi. 7.

the Irificures. 23 Verb Es

dec. Par. ; H c.

Countee de arthells cafe

or. Par. 27 H. 6.

1.18. che Harle brundels cafe.

This is the alle-

gation of the Kings Accorny.

the Earlos

Vardamberde cale.

. d.Roc Park. il a. is female

to their ? .

Lingo cia lib.a ca a.

lty.

de buja (modi tranfge et contempt factis in Parliamento responderi. de, 2 maisigno O culis super hoc datus eft ein dies cor am Rege à die Santie Trin in quindecem dies abicung & c falvis rationibus. Ad quem diem pred. Epile wenit in propria per fond fua et datus eft ei dies corain Dome Rege à die Sant ti Mieb in 15 dies abicung, O e. in codem fram quo nunc One falvis rationibus fuis, & c. Ad quem diem vinit prad. Alam qui fequitar &c Er fimiliter prad Epife in propria per fona (ua. Et prad Adam pro prad. Dom Rege dich, quod cum placeat et Partiament fumm tenere pro utilitate regni fui de regali potestate sua facit illud summoneri ubi et quando etc pro volunt sua et etiam facit prohiberi existent, tunc ad Parliamentum, ne quis corum abinde recedat contra probibitionem fuam, etc abfq; ticene etc Et fi quis eorum abinde recedat contra probibationem,etc in cotempt regis etc.bene leceat ipfi Dom Regi fumere fectam erga bujufmodi delin quentes in qua curia placeat fibi etc. Et ex quo Dom. Rex pro valumate (na Parliamenta (natenet, etc. petit judicium pre ip fo Dom rege, fi idem Dum. Rex duci debeat, seu compelli ad prosequend' in bac parte alibi contra valuntaten fuam, etc.

The B.maintains his former plea to the jurifdicti-

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ram Regekor 9. o Dorf. South

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to choose the arbitrood to Er pradictus Epi scopus dicit ut prins, quod cum aliquis deliquerit in Parl ibidem debet corigi et emendari, etc. et licet aliquis Summonitus effet veniendi ad Parliamentum,et non venisset ibidem. elebet puniri per quod non intendet, qued dom rex velit alibi refpon. deri quane in Parliamenta, eta. Et super boc datus eft en dies ufa; in Cro. Animarum ubicunque etc. in codem fatu qued nunc etc. Ad quem diene wenit tam pradict. Adam, qui fequitar pro dom rege qua prædice: Episcopus in propria persona sua Es datus eft eis dies coram dom rege in Octab Sancti Hilarionbicung, etc. Salario rationibus fuis etc. Ad quem diem prad Episcopus venit, et datus est ci das alterius coram dimino rege in Octob Pur beata Maria ubicunque, etc. Ad quem diem venit tam predictus Episcopus, quam 70bonnes de Lincoln' qui seguitar pro domina rege, et datus est eis dies ulterius coram domino rege à die Prescha in quinque seprimamae ubicang, etc. Salvis rotionibuo, etc. Adquem diem venit tam prad Episcopus in propria per sone sua, quam pradict. Tobannes de Dincola' qui fequitur pro dicto domino rege, etc. Et datue eft eis -dies whering a die Sancti Michaelis in 15 dies mbicung; etc. falvis file rationibus faire bine in dicend &c. was aig of and and

cougher ever Dom. he com in Parkamento angue, in. " at

as because for quod non intendit quod D on Fex velir in our bic

And this is all that is in the Mecozo, whereby is appeareth that the plea of the Bishop to the Aurifoldion of the Court after pipers dayes giben oil Cabo, and was never over ruled agreeably to the saw resolutions in somet times, that Auges were not to determine marters concerning the Parliament, as is assection. faid. Louching the report of the faid cafe, thus far fouth it agreeth, that this contempt cannot be punified in any other Court than in the Kings Bench : fo as the incultion is only too that Court. It appeareth that the reporter never this the faid Mecozd, only took is by the ear of that which was factor in Court (a the late Mecozo, only them is up the ear of that which was thether in Count (a bangerous kind of reporting, and lubied to many midakings, for seldome or newer the right care is pur) as in this case it fell out. For first, where the Mecozo late, that the Parliament was holden at Saram, the report is of a Parliament bolden at Salop. 2. The report laith, that John B. at Minichester was airraigned, which implies that he was indicated, at where he was sued by exiginal sairts. 3. The Radiotition made by the Ming alledged in the Mecozo, is not in the Report. 4. Concerning the subset opinion of Scrope in this Meyort: By his opinion the Parliament it tell could not have punished this contempt; for he sairth. Cour que font Judges de Parliament, soot Judges de lour Piers, med le Roy, and my vier in sont serre demessone que il ne poet par indicate. Roy nad my pier in lon terre demess, pur que il ne poet per cor estre judge, donques ailors que cy ne poet estre judge, whereas without question the Par-siment night habe pantibed this contemper and concludet with a rule at the Common Law, that the bing mor the in what Court if pleateth him. But matters of Parliament, (as bath been often laid) die not to be culed by the Common Law; and it teemeth that the rest of the Images were against Scrope, for the plea was never absorbled, as by the Record it appeareth.

Vide per Indictamenta Termino Pasche i & 2 Ph. & Mar. coram Rege Rot. 48.

Informations preferred by the Antorney General against 39 of the House of Commons, so, departing botthaur sicense contrary to the Bings Inhibition in the beginning of the Barliament, inhereof 6 bring timorous Burgestes, ad redimendam vexationem, submitted themselves to their Kines, but tobether they paid any, or very small, we have not yet found. And Edmond Plowden the Mich. 3 & 4 learned Lawper pleaded, that he remained continually from the beginning to the Ph. & Mar. learned Lawper pleased, that performance could of pregnancy: and after his plea Rot. 36. interend of the Parliament, and took a Trabers full of pregnancy: and after his plea Rot. 36. intered of the Parliament, and took a Trabers full of pregnancy: and after his plea Rot. 36. intered of the Parliament, and took a Trabers full of pregnancy: and after his plea Rot. 36. intered of the Parliament, and took a Trabers full of pregnancy: and after his plea Rot. 36. intered of the Parliament, and took a Trabers full of pregnancy:

mas fine die per demise le Roign.

If offences done in Barliament might habe been punifped elfewhere, it that be intended that at some time it would have been put in ure. Vid, the first part

of the Institutes, Sect. 108.

Robs the faid Infogmations Anno 1 80 2 Ph. & Mar. againd 39 of the Boule of Commons, follow in their words. Pafch. 1 6 2 Pb. 6 Mar. Regis 6. Regina. Midd ff Memorand' quod Edw. Griffyn ar' Attornat' Edw. Griffyn. domin' regis & regina generalis, qui pro eisdem domino rege & domipa regina fequitur, venit bic in Cur' di Boru dominorum regis & regina coram ipfis rege O regina apud Westm' die Sabbathi proxim' post quind' Pasch. isto codem Termino, O dat Cur' bic intelligi & informari. Quod cum ad Parliamenta dominora regis &: regina nunc tent' apud West' annis regnorum suorum primo & fen cundo inbibitum fuit per ipfor dominum regem & dominum regi- Inhibitum fuit. nam in eodem parliamento, quod nullus ad idem parliament' fummonitus, & ibidem interessens, ab codem parliamento absque speciali licentia di Storum dominorum regis & regina, & Cur' parliament' pradict recederet, sen seipsum aliquo modo absentares. Quidam tamen Thomas Denton de in com' Oxon' ar Henrino Cary de in

Reginæ.

com' gent' Richardus Warde de in com' ar Edmund.

Plowden de Tymbersbe in com Berks armiger, Henricus Chiverton de in com. ar Robertus Brown de in com. Johannes Courke de in com. Johannes Perhebrige de in com. Johannes Melbewes de in com. Caurtuey de in com. Radulphus Miebel de in com Thomas Mutthew de in the com com. Riebardus Brasey de in com. Domas Masse de in com. 10 et armig'. Petrus F rechwell de in in com. 18 miles Henricus Vernon de Sydbery in com. Derby armig. Willielmus Moore de villa Derb. in com. Derb. gen. Willielmus Benibrigge de in com. Job. Eweleigh de in com. gen. Mich. Adamps de Darsmouth, alids Clifton Harns in com. Dewon gen. Richardus Phelipps de in com. ar. Anthonius Dylwington in com. Andreas Hoorde de in com. Christophenses Hoel de in com. Dorfi gen. Johannes Mannocke de in com. gen. Thomas Phelipps de in com. Johannes Hamand Johannes Phelipps de in com. Willielin us in com. Randall junior, de in com. Johannes Moyne de Hugo Smith de nin com. gen. Rogerus Gerrard de in com. gen Radniphus Scroope de in com. gen. Thomas Moore de Hambled in com. Buck gen. Willielmus Reade de in com. ar. Henricus Mannock de in com. ar. Job. Maynard de Villa San al Albani, in com. Herif. ar. Nich. Debden de in in com: gen. & Philippus Tirmbyt de in ar. qui summoniti fuerunt ad dictum l'arliamentum. com. in eodem Parliamento comparuerunt, ac ibidem interfuerunt mandat & inhibitionem dominorum regis et regina supradici parvi pendentes, ac flatum reipublica bujus reem Anglia minime curantes aut ponderantes pofica feil. 12 die Januaris Annie regnorum dictorum dominorum regis et regina nune primo et secundo supradictis et durante parliamento pradicto ab codem Parliamento fine licencia distorum dominorum regis es regina et cur fue pradict contempruose recesserunt in ipforum dominorum regis et regina ac mandar es inhibitionis fuorum pradici curiaq; pradict. contempt manifefinm as in magnum respublica flatum bujus regni Anglia detriment, nec non in perniciofum exemplum oumium aliorum. &c. Unde idem Attornatus dominorum regis et regin a petir advi famentum cur in pramif. et debit legis process. verf. eofdem Thomam Danton, Henricum Cary, Richardum Word, Edm Plowden, Henricum Chiverton, Robertum Browne, Job. Courk, Job. Pethybridge. Job. Melbewes, Job. Courtney, Radulph Michell, Tho, Mathewe Racb.

Mandarum & Inhibitionem. Richard Brafey, The Maffet Post Freehooth Hen Korning Will Moare, Will. Banibrigge, Folk Eveleid Nich addenna Richart Phelipps, Anth Dilevingson, Andr Hoondon Christonh V-looks Hats Mannock, The Pholippe, Tobethemond toke Philips Mell Ras Dille Tob. Maynel Humanem Smithy Reg. General Radilph Scrainer Tho. Moore, Will Read, Hen Moureck, Job Magnard, Nichole Debden, on Rhil. Terrahyst fiere ad respondents during regi, the gen F. Mich 3 & 4 Ph & men 15th ref laguarious ab sarigar adjumb

Et mode seindie Venetis prot post Graff avietarumista codans Mich 3 & 4 Ph.
Termino coran denin' rege exclemina regino apud Westi sean prod & Mar. Ro. 36.
inter placaregis Edus Plomden par Andr Tuffer Avernaum Juin ; et babis queles & reginz. Informationis predict a dia qued informationale qued dom' res et domina regina mune ipfum Edm pro premiffes exhalique pran pissornin impetent seu ocqussonara mediut aus debant, Quia diche quadiple addice Parliament, informatione practice specificat int terfuit & present suit an invoctem Parliamento consider constales viz. à principie infine Parliquent infinend finem aufdent Alifant hac and ip fe idem Edm. Plowden dieso sa de Jon An primatifei cundo supractice durant Rantiquent pradict vireoden Parliage fun licentia dietorum daminorum regie at regime, at suri fan qued. contempringle accession in ipforum dominorum regis et reginie ac mais dater in inhibitionis furnir prodencing; pradromeno monifelis as in magnum reipub. Hat bajus regui Auglin descrivent, nei ven in pernicio fun exemplum cumium alierum modo et farmupuem ger informac pred werf cam supporter. Ex hee preases of watifical re prout cur. &c. unde pet. judicium fet quod infa de premiff per Mid Ve fac ce Trin Letw Evenden do NO gruta single sid rus

Midd Ve fac The Confable de Grimbebye in west Discola As. Hen. Leighide A in com . Fran Fortham de Quennin com Lei ar. Li. lo, Mic. 2 & 3 Ph. Regis & Mar Regin . Job Holoroft. Sende in com mila Will Brombley de comemon shar The Somerfet de in com. 'an Georg. Kennere da Marky at. to com. Herrf gen Nich Pomtrell de Enincien on com Nort at F Hill 3 & 4.Ph. & Mar, Tho. Moyle de gin form Kanc milis Tho Wasens de in com. Jar. Will Tytrock de ciph Quengen. Li la Hib 2883 Ph.& Mar. The Bulleden de Wechyngleigh in cous Sat milit. Links Mic 2 8-3 Phil & Mar Marb Crades art will Scaffigen this lo. Hil 28 7 Ph. & Mar Georgium Lyade and a Saba gen Celliprocell per mandat Attotnat I dominosum tegis & regine, quis ulterius proleguinon vult verl. iplum Geo. Lval To Floridate Bridgeworth in com. Salop gen. F. Mich. 5 & 6 Ph. & Mar. 70b.

Self-recell and nancy of this I Sine die per den mi, e le Royne.

Per de annis Mar. Rot. 482 x

Alfop

Sch. 3 & 4 Ph.

sign Ash and

Allop de wille de Ludtowe in com Salop gen. Wil Laurence de Cio Wishon gen Linlo Micia & Phil & Mar Robert Find fon de Civ. Winian gen Lille tre ancea Edm Romfe de Donwich in com' Stiff. wil Ro Coppinge de Donwich in com Suff. ar Job Harman de Hof proje dom. espires dom. regina gen. Wil Croweb de wellowe in com. Source far. The Lemes de wills de Wels in com Somer f gen. Lilo. Hil . 80 ; Phose Mar. Wil Godwyn de Wels prad in com Somerf. gen. F. Mich. 3 & 4 Ph. & Mar. Job. Albburnham de Albburnham in com' Suffantito Mich. 2 80 ; Ph. & Mar Wate Rescum de City' Clock in coin Saffigen Li, lo. Tr. 2 & 7 Ph & Mar Wil. Moodyere do Slyndon in com Suffgen R. Tr. 4 825 Ph & Mar Job. Roberts der im in com' Suff. gen utlegat. O.c. Wil. Pellet de Steininge in com Suffigen P. Pafeb Det a Phil et Mar Rich Bowger de Arundell in com' Suff gen Li. lo Mich 3 & 4 Ph & Mar. Wil Danby de : "in com Woftmerl. gen. Rob. Griffyth de Cio' Nova Sarum in consWiles, Desper Li loint lupra. Job Hooper de Cies Nova Sar. in pant Walcagens Li lo Michia 82 2 Ph 82 M. Wil. Clark de in com Griff Currys de Bradftock in com Wills gen Li. lo. ut Supra &c. The Hil de Denyles in come Wiles gen F. Hil 2 & ? Ph. Se Mar Edw Umpton de London gon Li. lo Mic. 2 & 3 P. & M. Tho Parker de in tom Job Reade de Lond gen. F. Hil. 2 et Ph. et Mar. Aribun Atlen de Coo Briftel Merch. Egid. Pagne de Cie Briftot gen Wil Hampfbire de London gen Lilo. Mic: 3 & 4 Ph et Mar. J. Per Taler de Malberow in com Witts Taylor. Li.

Ceff process, vers. Georgium Lye. Sine die per demise le Royne,

Per cont' rott'
de Annis 1 & 2
Ph.& Mar.Rot.
48.

delil

Mid. Ve. fac' cr' Trin. Edw. Braxden de Ciw. Wigorn gen. Georg.
Newport de Droiwich in com' Wigorn gen. Will. Wigftone de Wolstone in com War mil Li lo. Mic. 2 & 3 P. & M. Radulph. Browne
de Woodlowes in com' War gen. Li. lo. Mic. 3 & 4 Ph. et M. Job.
Harforde de Ciw Gowent gen. Cest. procest. & c. Nich. Frysbe de
in com' Rieh Rayleton de in com' Mart. Wyrley de Ciw'
Liehstield, gen. Walt. Johson de willa de Kingston super Hull, Jac.
Bronnede in com. Kanc. ar. Wil. Oxenden de in com.
Kane Ar. Thos Keys de in com. Kanc. gen. Will. Hannington de
in com. Kane. Thos Tyssarde in com. Nich. Crypse de
in com. Kane. Thos Tyssarde in com. Nich. Crypse de
in com. Kane. ar. Edw. Herbert de Stawley in com' Salop. ar. F. Hill.
4 et 5 præd Ph. et Mar. etc. Rich. Lloyde de in com. Kanc gen.
Joh. de Knylle de in com. ar. Hen. Jones de in com.

lo. Mich. 3 & 4 Ph & Mar. Refp. Regi de quibufdam transgreff.

mil.

mil Meredith Gaines de in com gen. et Rich. Buckley de in com. mil. Refp. regi de quibufdam tranfgr.et contempt.unde im-Berit: funt. Et pofes, fcil. Termino fanct. Trin. Annis 4 et 5 Pb. et Non prof.verf. Mar. pro co quod fufficienter bie in Curteftatum est quod prad. Tob. Harford babuit licentiam recedere à Parliamento etc. Ideo. Edw. Griffyn ar. Attornat. Dom regis et regina generalis qui pro ipfis re- Sine per die degeet regina in bac parte Sequitar dicit quod ipfe ulterins in bac par- mile le Royne. te verf. præfatum fob. Harford profequi non vult. Ideo ceff bic proceff ver freum omnino, &c.

And to deal clearly, this is all that we can find concerning this matter. Thus you may observe, that the poor Commans, wembers of the Barliament, in dichus ilis, had no great for to continue in Parliament, but beparted. But now to proceed.

Of Writs of Errour in Parliament.

If a Inogewent be giben in the Mings Mench either upon a togit of Erroz, by otherwill, the party griebed may unonia petition of Right made to the Bing in Englith, og in French Copiet imnotex debico Julinia, but for becency, for that the former jungement was given Coram rege, and bis aufwer thereunto, fiar Justicia, babe a wait of Erroz nirected to the Chief Justice of the Mings Bench for removing of the Mercyd an prefens Parliamentum, and thereupon the Roll it Regist. 17. Lib. felt, and a transcript in parchment is to be brought by the Chief Julice of the Imr. Rad, 284. Bings Bench into the Lords Beufe in Berliement: aus after the transcript is examined by the Court with the neroys, the Chief Auflice carrieth back the Beautife is to allign the cross, and thereupon to have a Scire fact against the asperie party, either in that Parliament of the next; and the proceeding thereupon shall be super tenorem records, & non super recordum. All this, and many more excellent matters of learning are contained in the Merozds following; whereof a light touth is beteafter given, the Merozds at large being too long here to be rehearfed. And the proceeding upon the writ of Erroz; is only before the Lords in the Hyper Poule, Secundum legem & confuetudinem Parliamenti;

Querirer Guilielmus de valentia contra Concilium regis, i Justic, Coram Rege, pro injulto judicio tangen, allocationem Dionine filiz Guilielmi de monte Canifo ut hared. fed dominus Rex ratum habet corum factum & judicium redicium eft contra Gulielmum de Valentia.

If a Moble man bad been erroneoully attainted of Treaton, ec. be might have had his weit of Ctroe in Parliament, notwith fanding the flatute of 33, H.S.ca.20. for that must be intended of lawfull records of Attainders but if the Aftainder be established by Authority of Parliament, Ihen he must exhibite his petition in Parliament to be reseased of grace. But now by the Catute of 29 El.c. 2, it is shoutned, that no record of Attainder of Pigh Accolon that then was, sor the which the party attained has been executed tor the same treason, should be reversed for error: but this extended only to Attainders of Pigh Accolon, and not to any Attainder of High Areason after that Ad, not to any High Areason before, sor the which the party was not executed. data

The Prior and Cobint of Pontague by their petition beclared, that Richard Scimour had obtained an erroneous judgement against the faid Poist in the Kings Bench, upon a juogement given in the Common pleas upon a fine for the Panoz of Litenbull in the County of Somerlet, so. And the principall error was for neinging of ato of the ming where it was grantable, and that banging a writ of Might, the late Richard Ined a Scire fac. And commandement was given to the Chancelloz of England, that he thould make a writ of pollettion and fector to be bad, and other procede upon that judgement to be made: In this mecoro pou fall observe ercel. fent pleaving.

The House of the Ain& Court for

Rot Par Poft. feftum Sancti Hil. An. 18 E. t. Rot. Par. 4 E3. nu. 1 3.Rich, Earl of Arundels cale. 1b. 28 E. 3. nu. 11 2. Mortimer Earl of Marches cafe. See Pafc. a8 E.g. Coram Rege Rot. 37 Wigorn. 33 H. 8.C. 20. Rot. Par. 7 R. a.

Myen's gill

Rot. Par. 13 R.a. mas Mechams cafc.

Rot.Par. 10 E.3. nu. 48.

affe le Porach

a Ro.P.15 R. 2. n.23.& 18 R.2. n.11,12,13,14, 15. This Parl. of 18 R.z.is not mentioned in the printed book, becaule no Aft palfed at this Parlie ament Sec a H. 4-nu.40. b Rot Par. 19 R 2004 224. 6 21 R.2. nu.25 2 H 4 nu.13. d Rot. Par. s.H.

4.04.19.

Rot. Par, 15 R.z. na 14. & 1 H.4.

5 H.4.nu.40.

Rot Par. 3 H. s. nu.29.

Bot Parito H.6. muss.& if H.6. mu. do. 9 8 m

Rot Par. 31 H.6.

Rot. Par. 23 El. Dyen 23 El.f. \$73.

Erroz in Barliament upon a judgement in an Appeal of beath upon an acquit.

and (that we may observe it ance for all) toben one fueth in Parliament to reverte a indgement in the mings Benth, be theweth in his vill which be exhibiteth-

to the Pheriament fame erroz az erroza, wherenpon he neweth a Scire facias.

The Bishop of Cozhich sheweth that an erroneous suggement was given a gainst him in the Common pleas too the Archaeacones of Pozwich balanging to bis presentation, and prayed that those errors wight betward, and redressed there-whereauto author was made that errors by the law, in the Cammon pleasane to be corrected in the Kings Beach, and of the Kings Beach in the Parliament, and not otherwise.

1 R. 2. nu. 28, 29. 2 R. 2. nu. 3 1. A togtt of Grog in Parliament between William Mountacute Carl of Darum, and Roger of Martiner Carl of March of a judge

ment in the Bings Bench.

* The Wean and Chapter of Lichfield recovered in the Common pleas against the Prior of Newport Pannell : the Prior by writ of Groz reverleth the judges ment in the Bings Bench : the Wean and Chapter by west of Erroz in Parliament reverleth the judgement in the Bings Bench, and affirmeth the judgement in the Common pleas, and a commandement giben to the Chancelloz, that the judgement in the Common pleas be executed by procede by bim to be made.

John Sheppy complains of a judgement in the Mings Meuch in a weit of Groz. Error in Parliament between Wilham Mountacute Carl of Dalisbury, e Roger de Mortimer Carl of Parch, for the Calite, Soinn and hanour of Denbiegh, oc. upon a fudgement given in the Bings Bench, and bab a Scire fac' returnable the

nert Parliament.

d William Seward alids Cheddre complaineth, that where he by that name was prefented and inducted to the Parlonage of amotion under Egge in the County of parlonage of amotion under Egge in the County of parlonage of amotion under Egge in the County of parlonage of amotion under Egge in the County of the c Glouc', and thereof continued the possession by the space of four years, until the Ming by untrue luggettion prefented Dir John Dawtry the Barlonage of al neerbegge in that County, where there was no fuch Parlouage called Underhegge as the faid William pleabed in a Quare impedir brought by the Bing in the Bings Bench ; upon which weit the King recovered by the vefault of the Parlanage of Unverbegge, o not Unver Egge, whereby upon a wait lent to the Bifton of Mozceller, the late William was put from bis Parlonage of Under Egge : for which mittabing and erroz, the judgement for the faid John in full Barliament was repercenand a tozit awarves to the fair Bifpop for the rellitution of the fair William.

The Kerozo and fungment given in the Kings Bench, for the King against Edmond Baffer fog certain lands, gc. was fog vivers errags reverled in Barliament. and restitution of the premises with the mean profits resort to the fair Edmond.

In erroz in Barliament between Roger Deyncourt, and Ralph de Adderley foz a jungement given in the sings Bench for the Sanoz of Antiye in Com. War. Dir William Galcoign Chief Juffice velivered a copp of the Record and proceffe, word for word, under his band, sc. to the Clerk of the Parliament, sc.

In erroz in Partiament betteren Richard Quatermayns and William Hore, ac. upon an erroneous subgement given in the Kings Bench in an action of trespace. and the Plantife entred his Atturney of necozd to proceed therein.

John Beauchamp Logo Abergaveny complaines in Parliament upon an erroneous judgement given in the mings Beach in a Scire Ac'upon a recognilance in the Chancery for the heaping the Beace. In the necord whereof are excellent points of learning, as well touching the recognitance, as the process, and issue.

Orroz in Parliament, Pafch. 31 H. 6. upon a judgement giben in an affile in the Rings Bench, & intratur fuper marginem, Rot.mittitur in Parliamentum per Johannem Fortefene Termino Pafchæ anno 3 1 H. 6.

And to omit many others, to befrend to fome of later times, Richard Whalley recovered in Affile by verdict against vivers tenants, who brought a writ of Error in the Bings Beuch, where the jungement in the Affile was affirmed, the tenant complained in Parliament fog errog in the mings Bench.

Grroz

Greoz in Parkament upon complaint of Die Christopher Reydon milione of a Rot, Par. 12, Jac. judgement in a walt of Occoz in the Bings Bench, bettpeen the fair Die Mieiko pher Plantiffe, and Roger Godfalve and others Defendants, whom a subsement given for the law Roger, of against the lath mir Christopher in an Mills be Justices of Mills, wherein the flivgement in the Mills was allitmed in the mi Bench, whereof the complaint was mast Jedinon provalent? to confundition

Beer of the Bealm being morted of trealon of felone to maniginon of treatons for the treatons may be arraigned thereof in Parlament, "Logo Dreman being appointed, and Spiritual make then the Lozds Spiritual spall make a Proturator for them; and the Lords, as their Proctors. Beers of the Bealm, during the Louds are lunged, whether the offence be The Pects are freason, ac. that is supposed to be committed by any Peer of the Realm, and not ac. during the the Aufrices, anit appearett in the Garlof Bathumberlands, cafe, Roc. Par & H. 4. Parliament, &c. nu. 11, 12. Seeinibe Parliament bolden 21 R. z. lub cirolo Pl. Coronz in a noll Rat Paris Hat annexed, ec. before the Steward of England and other Lagos Compounts, Richard muttil Carl of Strumpelle tale, Rott Paul) 31 H. Gibbang. Thomas Carl of Deven mas are for the Placed raigued of Diet Theales before Hamphry Dube of Buch Atebaro of England Louis &c. bac vice, and bens acquitted by his Beers, to Elafold.b. Scanf. Pl. Coron, 1 930600 Rot Par gettie yer in pore, &c. Whereby it any arch that a Dongber of the Partisment fail bade par-biledic of Parliament, not on Sous abecing as not a claim, but for his bar

Vide places in Parliam Anno 13 E. Ror. 31; Nicholaus Se-

Pow order poth require to freat of other matters of Audicatute in the Lards Doute, and of matters of Audicatute in the Boule of Commons. And it is to be known that the Lords in their Boule have power of Audicatuse, and the Lords mons in their Boule have power of Audicatuse, and with Boules together have power of Audicatuse; but the handling bereaf accepting to the world and meight of the matter bould require Landle Areafile of itself a sub to lay the truth, it is belt unverticed by reading the Lords and Kerozus of Parliament at large, and the Journals of the Boule of the Lords, and the Book of the Clerk of the Boule of Commons, which is a secare as it is afficused by Act of Darliament in Parliament in Areas. grave adjuge per Pralatos, Co mites, Barones

At the Parlia want as York amon't 2 ft. a. Canfington Parliament at Control Engage, o remainding Maglin. The Lord Awdeleys cafe. At the Parliament at Westin' 15 E. 3. Hugh le pier adjuge per les Seignouri & Commons. Rot. Parl. 42 E. 3. nu. 20. Sir John at Les adjuged by the Lords and Commons. They. Par. 50 E. 31 2. parse, A pardon to the Lord Latimer of a Judgement in Parliament. Rot. Parl. 50 E. 3. nu. 34. Lo. Nevils case.

Dee Rot. Clauf, I R. 2 m 50 38, 39. A eretige Countell le Roy les Seignors & Commons, Seci Ror. Part | 11 2 vine 19 it is no Sin of particulatify but an ... 2 2 1 to hidi Debinance, and therefore bindeth not in fucceffion, Rot Par 31. 3; ria ry Ortis alligned that the Logis gave Audgement without perition of whent of the Commond Rorly 98 H. Bink 19, min many others in the wego of wing H. S. wing E. 4. Dominous, by the Lozos at the Parliancer's boune in the new 21 fat. Regis against Dir Giles Mompellon, 1973 John Michel, Vicoust Sc. Alboat Lozo Chancellour

Die Giles Mompesson, Sie John Michel, Afcount Sc. Albone Lozo Chancellout as Angland, the Cats of M. 1858 Treasures be England. whereby the one proceeding of Audication in Inches of Department of the Common Long gave the Paris of Wellbury four pound to be elemen Surgelle. In the book of the one of Long that the Paris matter was examined and the Common at the House of Long tened and imperioned, and Long temedies of the thirt to think weather was to part the paris of the Parliament of the Parlia

store of the Buttore Parks, and expetten the Boule.

Munction Stoke William Johnson a Buttorne of B. returned into the Chaucery ib., Aprilis of uncord, for which upon our examination in the Boule of Commons, it was re- I Marie.

Sired that Iscandum legeth & confactuation in Parliament, every man multitake Vid. 11 H. 6. c. water

in Seacc.or Oci-

ginal de Anno off. R. Harring * That is, in

Court of Parli-

ta cafe of tries. fon, 8cc, theLest Spirituall make

The Peeus are jugges of treaten

See Rot. Parl. 8 H. 6.nu. 47. notice of all the Members of the Boufe returned of necord at his peril : but otherwife it is of the fernant of any of the Members of the Boute; for there he that fire beth so mult bave notice And the Boule abjudged Muncton to the Lower se.

Many Lord of Bactiament, Spirituall or Tempozall, have committed any option, beibery, extection or the like, the Boule of Commons, being the generall Inquilities of the Mealm, (coming out of all the parts thereof) may examine the same, and if they find by the Mote of the Poule, the charge to be true, then they transmit the same to the Logos with the witnesses and proofs.

The Survey Call make a securater to theme and the Lord a ad and the chartest of Priviledge of Parliament. The content of the capture to the capture the ago not

Vido inter leges Ed. Confest 6.3.

Storiore.

Peterions, coram domino rege ad Parliament post feftum Sancti Mich. Anno 18 E. I.fo.7.

Plac' coram rege & ejus concilio ad Parliam. Juum poft feftum San-Hil. Anno 18 E. 1. fel. 1. Vide inf. 10 E. 3. more hereof ving of a Citatial o de concilio

Rot Parliam. Anno 8 E.z.in Dorf.cl. 8 E. z.

m Anghe. The Commons, Lon

1bid.m.3 3 & 22.

In Scacc.ex Originali de Anno 10E.3.R.27.No. * That is, in Court of Parliament.

Commons arche Cichelones, 184 This John de Thereby was then Clerk of ebe Parliament.

my generall

Presker.

this Antilis Miring S.S.H xr.b.V trigitta.ca.f.

in she book of the heale of

And now after moitature, let us freak comewhat of veibilebre of Barliament's Experience hath made the priviledges of Parliaments well anown to Parliament med, yet will me freak tome what thereof. and had been all had a so well anown to Parliament

Magifter militie Templi petit quod diftringa (catalla unius de confilio)tempore Purhantennipro redutionius domusin London : Rex respondet, inen videtar honellum quod illi de confilio fuo difteingantur tempore Parliamenti, fed alio tempore, &c. Whereby it appeareth that a Dember of the Parliament hall babe pris vilence of Parliament, not only for his Certants, as is afozefaid, but for his hoz-

fes, es. oz other goons piffreinable.

Ouerela Comitis Cornubia versas Bogonem de Clare & Priorem Sancta Tri-nitatis London, quod ipli tempore Parliamenti iplum comitem in medio aula Welm, ad procurationem ipfius Bogonis citaverunt, quod compareret coram Archiepiftopo Cantuar. &c. Ipfe Prior venit & Bogo fimiliter, & ponunt le in gratiam, miferecordiam, & voluntarem Regis de alto & baffo, ob quod mandamur turri London! Pofter venit dictus Bogo & finem fecti domino regi pro predicta transgreffione per duas mille marcas, &c. & quoad pradict Comitem respondent Comiti 1800. Il, pro transgreffione fibi fact. &c. & pradictus Prior mittitur ibidem ad faciend, fecund, quod Thefaurarius ei dicet ex parre dom, Regis,

And vet the ferving of the fair citation bis not arreft, og reftrain bis body, and the fame privilenge holveth incate of Sub pana, or other procede out of any Court

Res mandavit Institutios suis ad affisas. Jurat &c. capiend assignat quod super sedeant captioni corundem ubi Comites, Barones & alii summoniti ad Parliamentum Regis funt partes, quam div dictum Parl, chrayerite : 3 1 1 100

De non procedendo ad capiend, Affifas verfus illos, qui ad Parliamentum Re-

gisapud Eborum venerunt.

Rex omnibus baliyis & fidelibus fus ad quos, &c. Salutem: Sciatis quod cum Rex omnibus balivis & indehbus itus ad quos, &c. Salutem. Sciatis quod cum curix noftre in quibus, a negotia regni noftri dedecantur ubiqi adeo liberz fint & exemptz, & acempore quo non excat memoria liberz & exemptz fuerunt, quod nec aliqua forum eccleliafticum concernentia in eifdem curiis noftris fieri feu exequi, nec aliqui eafdem curias noftras ad aliqua forum ecclefiafticum concingentia faciendum vel exequendum ingredi debeant, vel confueverunt aliquibus temporibus retroactis, ac Magister Henricus de Harewedon elericus, Belmundus de Lukenore & Johannes de Wedlingburgh de co quod ipfi nuper in Cancellaria nostra un pratecuta venerabilis Patris I. Cantuarientis Archiepiscopi Cancellaria nostra qualdam citationes live monitiones dilecto clerico nostro Johanni de Thoresby, nec non prayocationes, appellationes & instrumenta publica super cia Thoreiby, nec non provocationes, appellationes & infrumenta publica fuper citationibus feu monicionibus prædictis in nofici contemptum & Corone nofire ac Regiz dignitatis nours przindicium, & contra libertatem & exemptionem prz-dict fecerunt per inquistionem in quam le unde in curia nostra coram dile con Cancellario noftro & aliis de confilio nostro, posquerunt convicti fuillent & ea oca calione prilone notice mancipati in eaders ad voluntatem notiram moratura Nos de gratia nostra speciali de requisitionem Philippæ Reginæ Angliæ consortis nostre charissime perdonavimus cissem Henrico, Edmundo & Johanni impriso-namentum predictum. Ira tamen quod nobis satisfacient de redemptione sua occasione premissorum, & quod super citationibus, monitionibus, provocationis bus

bus, appellationibus sen instrumentis prædictis in dicta cancellatis nofira se sancellatis no se sancellatis n

Priviledge of Parliament in informations for the ming, generally the priviledge of Parliament da bold, unleffe it be in three cales, viz Teafon, Felong, and Vide infra, pa,

People of the mainten and the toler of the toler of the the Sa

There is no Actor Backament but mult habe the content of the kords, the Commons sup the Royall scienc of the king, modes it dependent by the kords and our Boaks, whattacher posteth in Harliament by this threefold content, bath the locate of an Act of Harliament. The difference we have the partiament by this threefold content, and is planternent is, the difference between an Act of Barliament and an Ordinance in Harliament is, the that the Ordinance manuel be threefold content, and is apaired in one of them.

This gam me to unberlione, that and to post so the fratute took effect befoge,

no Don. 14. We was a set appeared by Cavendithe Sam in this passes we shall be entered by the content of the Enthede and the content of the entered by the content of the content of the entered by the e

batim. And then the warit concludeth. Et ideo tibi precipiones, quod flacore illa & omnes articulos incidentan Poeriak la nolivib ed Ta ma, tem infra le bertates, quam extra, ubi expedire videris, pablice proctamen & firmiter tenent

Of Ads of Parliament fome be introductory of a new flow, and fome be been Act of Parliament found is a new war, were not a consultant of the state of parliament found.

Act of parliament for a new war, and the state of the

In antient time all Age of Parliament were in figure of Petitions, And for the several forms of Ans of Parliament, the side Princes case in the S Book of Dier. Maring Reports. Solo for the reading committing amending ingrotting, anting Princescase. And for the Bills in either Doule, and not time conservates mits the Large Concerning the and its the privilege of any Demker of sithet Boules, and of their termins ingroffing in more then both been said, they be so grainary and well saiding, and in such continuation will practice, as it were but expense of time takens any more of them. And for Parliament, that many times the bolls of the Parliament have not been truly ingralises. Role of Acts of Parliament. That many times the bolls of the Parliament have not been truly ingralises.

" Ret.Parl. Ani 38, 39. Rot. Parl. April

a Vid. 14 R. 2. nu. 1 5 & 13 H.4. nu. 25. b 4 H.7.18 b. p. touts les Juftices. 7 H. 7. 14 & 16,

and came tous

de.ung. Uft b Merhodo historix. li. 7. Waaty pographie cum

bach cuffodium Comitatus (hould fee the flatutes within his Counce to be kept.

Rot.Parl. Ann 17 E.4 nu. 36. Vid. 21 E.4. fol.

Rot. Parl. Apris 9 H. 6.nu. 57. Vide infra pa,

S. A Ar. bille time 1 80 13 H.4. 4 H 7.18 b. p. cours les Juffices.

7. 148 16 John Menres Printing was in, vented in Mencz riz, li. 7. Mus ty-pographie cum omnibus amnium desermin reventis mererum recentle carriere facile po-tell. Polyder Pro-gil, de inspiret, ro-rum till. 2. cap. r.-Gridai ide mari-ciate vernini (16, 3, Eap. 64.

Cap. 64 190 At the Parliament in Anno 10 E. 3. Note, that the hath Cuftodian Comitatus, fould fee the fatutes within his County to be kept. ment An. 1 R.2.

3 H.6.

Dick's Mar. ...

Rate Park 7 H.

the request of the Commission certain of them are to be appointed, who month be ender projection redere position as amptent of allow set to an arrange of the contract of the second of the second

In former times Acts of Parliament were proclaimed by the stivilence of Ballament inticoffired& for the ming, generally the price

Dentjen I read the cale of Premunice in 39 E.3. upon the Catute of 27 E. 3. af Providers against the Bishon of Chichester, and observing that Derient Cavendish of counsell bill the Bishop, observer that things a first, that the Received whereupon the writ mas grounded, was no katute. Decondy, that if there a kindle it was no being to be writ mas grounded, was no katute. Decondy, that if it were a kindle it was no been published in the County? whom Dir Robert Thorpe Chiefe nutice autwered. Although Declamation be not made in the County, every one is bound to take notice of that which is bour in Partiament, for as foon as the Parliament hath concludes any thing, the law intends, that every person bath notice thereof, for the Parliament represents the body of the whole Medin: and therefore if is not requilite that any Presidents in the make, being the Catute took effect befoze. This gave me to unsersand, that elbert it was Printing was in, not required by lain that Catutes hould be published in the County; pet leeing remed in Menzy in those ways and long after, the use of Printing came not into this Mealm; the no Dom. 1441. ule was (as it appeared by Cavendishes speech) that they should be published in and came rous in the County, to the end that the Dubleds might have expected notice thereof, and the raign of H.6. not to be overtaken by an intendment in law, institution must be not inquire both this ularge was, and how long it continued. And in the end Methodo historia, it, 7, sasty-found, that at every Parliament the Migh that palled were transcribed into Parchy persahis cam ment, and by the Mings which discuss to the Oberiste of every County of Engineering meaning and the commandement given to him, that all the this statutes in all places decrease incomes from the commandement given to him, that all the this statutes in all places decrease incomes from the county of Engineering from the county of the county of Engineering from the county of the coun land, and commandement given to bim, that all the faid flatutes in all places through his whole Balywich, as well within Franchite as without, where he found that most fit, that he bould not only proclaim them, but to fee that they bould be firmly observed and kept. And the usage was to proclaim them at his County Court, at and there to keep the transcript of the Ans, that who is would, might read of take Copies thereof. And this wit was sometime in Latin and sometime in French, as in those days the Catness were enauco in Latin of in French.

But an erample of the one; and of the other will more illustrate this matter.

Bewards Dei grat, Rex Anglia & Francia, & Dominus Hiberma Vic' Norff. Salut, Quedam statuta per nos, Prelatos, Comites, Barones, & alios magnates ad Parliamentum nostrum tentum apud Eborum in Crast. Ascensionis ultim, preterit, ordinavimus & stabilivimus, prout sequitur, and tette the tenerall statutes verbatim. And then the Unit concludeth. Et ideo tibi pracipimus, quod flatuta illa & omnes articulos in cifdem contentos infingulis locis in baliva tua, tam infra libertates, quam extra, ubi expedire videris, publice proclamari & * firmiter teneri

& observari facias. Telte, &c. Richard par la grace de Dieu Roy Dengliterre & de France,& Seignour d'Irland a noifre Viscount de Norff. Salut. Saches que al honeur de Dieu, & reverence de Saint Efglife & pur nyrrer peace, unitie, & concord in touts parts deins noftre realme, le quel nous desirons mult entirement, del assent des Prelats, Dukes, Counts & Barons de melme noltre realme, al instance & special request des Commons de nostre Realme affembles a nostre Parliament tenns a Westm. a la quin-zim de S. Michael lan de nostre reigne primier avons fait ordeiner & stablier certaine flatuts en amendment & relievement de melme nostre Realme, & en la forme que sensuis. Primerment est affentus & establie, que saint Eglise eit en joyse touts les droitures, &c. repearding all the statutes that passeur that Parliament. San the statit concluded thus. Et pur ceo vous mandons que touts les statuts faces crier à publier, & firmament tener par my vostre Baillie solong; la forme & tenor de icel, & ceo ne lesse en ascun manner. Done par testmoignants de nostre grand seale al Westm, le primier jour de Feverer san de nostre reigne primes. San the like marits continues until the herinnian of the seign of the primer. Now the like warits continued untill the beginning of the reign of H. 7. long time after printing within the reign of H.6. (as both bin falo) came unto us.

Prorogation, Aufonrament, Continuance, and what maketh a Seffion of Parliament,

The palling of any Bill of Bils by giving the Moyal affent thereunto, of the gibing any judgement in Barlisment both not make a Deftion, but the Deftion both continue until that Dellion be prozogued or different and this is evident

by many prefinents in Parliament ancient and latters at tramal roll a fraction

The Parliament of 14 E. 3. began at Wellminfter the Ellebnethay after Die Rot.Par.14 E. Lent : the first Sonday of the Parliament, the minth part of their Grain, Wood flacprimo.nu.7. and Lamb, et. was granted to the Ring on constition that the Ring toould grant 8, 9, &c. their petitions in a Debedule beginning. These be the petitions which by the Commons and Logds was brawn into a form of a Statute, and paffer both les, and the Moyall affent thereunto, and the same ecomplished under the Great Deal. After this Bartiament continued, and bivers Ans made, and petitions granted, and in the end that Parliament was diffolions, a said and solding or-

In the Parliament bolben Anno 3 R. 2. it is veclared by Act of Parliament Roc.Par. 3:R. i. that the killing of John Imperiall Amballatour of Janos, was Digh Areason, m. is, &c. crimen læfæ majeftaris, and pet the Partiament continued, long after, and vivers Ads of Partiament aftermary made, and petitions granted : and in the end the

Parliament villotved.

In the Parliament begun the first day of Parch, Anng 7 H. 4. on Paturday Rot. Parl. 7 H.4 the 8 day of May it was enaced by the King, the Lozds Opicituall and Cempo. 101. 29 &c. rall, and the Commons, that certain litaugers by name, who feemed to be Officers to the Ausen, should by a very enact the Kealm, and proclamation thereof in him mode by Mittle, by authority of Parliament, which Parliament continued, and others other Acts of Parliament made, and petitious authored; and on the

and divers other Aas of Pantament made, and perfections and better and on the 22 day of December 8 H. 4. billotheb.

The Parliament begin the 7 of November, on the first day of the Parliament Roc. Parl. 1 H.7. it was resolved by all the Ludges, that those that were attained of creason, and remain turned Anisytts, Citizens of Burgesles of Parliament, that the attainders were 1 H.7 so 4.b. to be reversed by authority of Parliament, before they could sit in the Poule of Commons 2 and that after the attainders reversed, both the Lozds and those of the *Roc.P.33 H.8. Boute of Commons might take their places, for fuch as were attainted could not begun the re be lawfull Audges, to long as their attainners from in force: and thereupon the day of fan and attainners were resolved by Act of Parliament, and then they took their places in continued till the first of April among Acts want. Parliament, and the Parliament continued and divers Acis made.

* The Bill of Queen Katharine Howards attaineer palled both Bonfen about On the si of the beginning of the Parliament, whereinto the king fitting the Parliament by February the his Letters Patents gave his Royall affent, and pet the Parliament continued un- Queen was betill the first var of April, and divers acts of Marliament passen after the laid Mopal headed in the aftent givent. Divers more might be produced, but these shall suffice. So as all Parliament. beit Bills palle both Boules, and the Moyall affent giben thereunto, there is no Prorege, a porre

Dession untill a prorogation or a bissolution.

The diversity between a prorogation and an adjournment, or continuance of the regain.

Adjournment the Parliament, is, that he the prorogation in open Court there is a Dession, and adjournment then such Bills as passed in either Douse, or by both Pouses, and had no Royall adjournment, allent to them, must at the next assemble begin again, ac. for every several Dession of adjournment, allent to them, must at the next assemble begin again, ac. for every several Dession of adjournment, allent to them, must at the next assemble begin again, ac. for every several Dession of adjournment, and is the discourable of adjournment of parliament is in law a several Parliament; but if it be but adjourned or confidence of dession discourable, then the proposed of the discourable of the

And the title of vivers Ada of Parliament be, At the Seffion holden by proro- 26 H. 8. no. 1. gation, or by adjournment and procogation, but never by continuance of abjourns 27 H. S. nu. T. ment tantum. And the utual form of pleabing is, ad Selfionem tentam, &c. per &c 3 & 3 E. 6.

procogationem-migit's refem & congression of & cond

I Mariz Sch. s. 28 Eliz. ms. 1. &c. And in every of them it is faid I and there continued until fuch a day; I and yet in them divers adjournments were. See the Journall book in the Lords Houle. Militia Junis 14 Liv. Culter Moyal Sigilier mandate Domina Regina adjournance traffers Parliament u/q; in festam ominion Sanctorials. And in the Faciliament in Anno 39 Eliz. Outles mand Sigilies mandale Domina Regina (the Queen being absent.)

wife have been the longer and moze curious for the clearing of this point for two realons, 1. For that the abjournment or continuance (as before it appeareth) is much moze beneficiall for the Common-wealth for expediting of causes, then a prorogation. 2. In respect of a clause in the Act of Sulffoie in the Warliament holven in Anno 18 Jac Region which is but declarating of the farmer law, as by that which hath been fain appeareth, notice to marine in the line during the

then a Parliament is colleg and both fit, and is differed without any Act of Parliament paffed, of Judgement given, it is no Dellion of Parliantont; but a Conbention, if her gestleinent, the arma part of the gestleine gar

flat.printo. Rot. Parl. 18 R.3 which began 15 Hillatii.

20th 1.33 2 c.

and or ma

Rotterry E. :

In the 18 year of R.2. at a Parliament howen before the Duke of Post (the Minorbeing in his passage to Ireland) the Petitions of the Commons were in thered and a Andgement given in the Kings Bench for the Picop of Newpore-panpell against the Dean and Chapter of Luchfield, maniteberles, buths Afrof Barliament patted, and therefore this Parliament is omitted in the Print but it is no question but it was a Destion of Parliament, for otherwise the Judgement thoule not be of force : and many times Aungements given in Partiament have been executed, the Parliament continuing befoge any will pailed.

The House of Commens is a diffined Court and a ser

Note. The Poule of Commons is to many purpoles a diffind Court, and therefore is not proroqued, or adjourned the the prorogation or adjournment of the Lords Poule : but the Preaker upon liquification of the Kings pleasure by the affent of the Poule of Commons, ooth fap. This Court both proroque or adjourn it self; and then it is proroqued or adjourned, and not before. But when it is disclose, the Poule of Commons are sent for up to the Pigher Poule, and there the Lord Research by the Mings commandement disclosers the Parllament; and then it is disclose, and not before, and not be not the disclosers. Hoteland H. and then it is distolved, and not befoze. And the Bing at the time of the distolution ought to be there in person, or by representation; to as it cannot begin without the presence of the King either in person or by representation. (as before it hath been said) soit cannot end or be distolved without his presence either in perfon og by repgefentation. Nihil emm tam conveniens eft naturali zquitati. unumquodq, diffolvi eo legamine quo ligatum eft.

It is declared by Act of Parliament, that the Mings Letters Patents under his Great Seal, and figned with his hand, and beclared and notified in his ablence to the Lozes Spiritual and Temporal and Commons affembles in the Digher Doule of Parliament, is, and ever was of as good frength and force, as if the kings person has been there personally present, and has aftented openly and publically

en Batence gancibte Megall efficie, and pet

to the fame.

Of Subfidies and Aides granted by Parliament.

Subficie is berived of the Werb Subfidiari, which fignifieth to be ready to belo at need, unde fublidium, tobich fignifieth aid and belpat need, to properly called when Souldiers were ready to help the foreward of the battle : and aptly was the word to derived, afwell because that which we call now foblidia, subfibies. anciently called auxilia, Aios, granten by Act of Parlianient upon nees and necessity : as also, for that originally, and principally they were granted for the befence of the mealin, and the late keeping of the Beas, oc. Communia pericula requirunt communia auxilia. confeencenties

This word [Subfidie] is common, as well to the Boglish as to the French. Concerning Sublidies hear tobat a ftranger truly writeth. Regis Angliz nibil tale, mili convocatis primis ordinibus, & affentiente populo, fufcipinnt. Que confuerudo valde mihi laudanda videtur interveniente enim populi voluntare & affensu crescit robur, & potentia regum, & major est ipsorum authoritas, & feliciores progressus.

Sublivies taken in their generall fence for Parliamentary Airs are vivines into perpetuali and tempozary : perpetuall, into three parts. viz, into Cultuma antiqua

Bracton.

3 H. 8.cap. 21. Royall affent by Letters Patents. Dier 1 Mar.93. Commission as 4. Seigniors, &c. a doner royall af-fent, & indorce-ment fait. Soit fait come eft defire.

3 H . s. H . S. Ph.Cominavs, Lib. 5.60,2 33.

. H. S. Pu.

4 38 p. 1. 184

Crysta Ha

drin dere.

antiqua, five magna, cuftuma nova five parva, and into cultome of Bread cloth. Lempozarp, whereof there are three hinds, viz. r of Lunnage and Boundage of ancient time granted tog a year of years incertainly, and of later times for life, 2. A Subfinie after the rate of 4 s. in the pound for lands, and 2 s. 80. for goods. And 3. for an Aip called a Fifteenth: And of thele in order.

dessentions in executifum execu-Custuma antiqua five magna. angle bare fer one

Cultuma antiqua live magna was by Act of Partiament granted to ming E'r. Custums antique live magna was by Act of Parliament granted to Ring E. 1. his Beirs and Successor for transportation of three things, viz. unsols, unsols Seehereafte. 11, fels, and Leather, viz. for every lack of unsoll containing thicky six stones, and Customer, &c. every Bone fourteen pound, half a mark; ofor three hundred moolfels half a mark, Rot.finium An. and for a last of Leatherthirteen thillings four pence, to be paid as well by Strait- 3 E. I. Rot. Pa. gers as by Englift, Peziati, magnates, & tota communitas concellerunt quan- 3 E. r.m.r.dat. gers as by English, arread, magnates, or tota communities concenerant quan-dam novam confuetudinem nobis de lanis, pellibus & coris dimid. marc', de 10 Novemb. 300, pellibus dimid, marc', & de lana coriorum unam marcam. In the flatute end of the year, called confirmationes carcarum Anno 25 E. 1. there is a faving in thele mozos, for he began his Save a nous, & nous heires la custome des leynes, pealx & quires grant, per le reign 17 Nov.
Comminaley du realm, a See alle the like in the Breamble : Salva camen nobis Confirma Ver Mari & haredibus nostris custuma lanarum, pellium & coriorum per Communitatem Cart, a parsio.

Bote it is lato in divers Records, per Communicatem Anglia nobis conceff, Inchievia de becaute all grants of Bubinies of Ains by Parliament os begin in the Boute of Term Mich. Commons, and first granted by them: also because in effect the whole profit which as E. 1. In offi.

6 H. 9. mu. 11. 12, E. 4.ca. 3.7 E. 4.ca. 30, T E. 6.ca. 13. 1 Mar.ca. 18. 1 Eliz,ca. 19.8 3 Jac. Regis accord.

2014 15 le en le crous le Cuftuma parva & nova

In the 31 year of E. 1. the Derchant Brangers in confineration of certain li- Cuftuma is deriberties and privellenges granted to them, and a release to them of all prifes and ved of the French berties and priverieuges granted to them, and a telegre to them at all prives and word configurations, gave to the King and his Betrs, three Millings four pence, oltra anti-word configuration cultumam at prior concess. Do as where the Dubled paid a Boble, the cribucum sex years and ten hillings, st. Dee the statutes of 1 H. 7, ca. 2, 11 H. 7, ca. 14. Roccar, 21 E. 1, where the statutes of 1 H. 7, ca. 2, 11 H. 7, ca. 14. Roccar, 21 E. 1, where the statutes of 1 H. 7, ca. 2, 11 H. 7, ca. 14.

ob revise pub bonn dan elles non, amonan ann anna an an mi,44 called Car, mercatoras This was quefti oned Reis, ordinat. Anno ; E. s. but allowed of in Parliament, Anno 1 E. 3. 9 E.3. cap. 1. 27 E. 3. Stat. Stapl. ca. 26. F. N.B. 227.d.259. 2. a plant dags folides, &c.

Custome of what things, ex antiquo.

And it is to be olderved, that of ancient time no Cultame was by English of a Dier 165. Stranger, but for Mools, Moolfels, and Leather. Pereby it appeareth boto i El Dier 165. necessary the amphileogre of ancient accords, and of the true originals of every oce are this is called certs pulls, and revise pulls, and regist pass, as in the mercat guide

Aurther neign of de 3: a great part of the tracks the which fuch Cuttome Of Wooledrawas granted and paid, as is afozelaid, was deaped into Broad tieth el whereupon ped into Cloth quellion grew, whether upon the transportation of the Cloth, into which the no Cultome was color! was exaped. Custome spoule be proportionably paid, buring vegare to the due, quantity of the essoul to converted into Cloth: and it was refered that no Cus and it was refered to the and it was refered to the color of th man was changes into another hind of Perchandise : whereasth the ming held himself tatisfied, and so it appeareth in the mings ofton white and Records enrol-It is called Muthern se because the Blure chief Buller both resuppland of by

The first Air of Parliament that gave any Dubfingiof Cloth i was in Anno B. L. S. C. T. Sp. a DEd3 ((mot printew) mix fourteen pence of Leigengrand one and twenty pence ad saintence Duke of Lenox, queffion was moved concerning fielu Despertes, an Artise

9300

Int.Orig.de Scaccario. 1b. 27 E.3. Rot.4. See the Second part of the Inftitutes, Mag. Cart. Cap. 30. ps. 60. By 27 E. 3. far. 1 & ca.4. Cufteme of Cloth. dies granted in Anne at B.3. The Alnageisfee

Mag. Gar.ca. 30.

Confuerudines,

Stat. de Scacca-

of Strangers, for every Cloth of Affile, and two failling four pence of Lieges and three Millings Or pence of Strangers for every Cloth of Scarlet, ac. Vide toter original' de Scaccario, 24 E.3. Ror. 13. And the reason of granting the faid Subfibles of broad Cloth was, Quia jam magna pars lanz regni nostrin codem regno pannificitur, de qua Cultuma aliqua non eft foluta, per quod proficuum qued 24 E.3. Rot. 13. de Cultumis & Subsidiis lanarum, si extra dictum regnum ducerentur, precipere debemus, in multo diminuuntur &c. And yet if in any cale the ming might 19 his Prerogative bave fet any impolition, be might bave fet one in that cafe, for that as it appeareth by that Record, by making of Cloth the ming loft his Cuflomes of Mool; and therefore for further latisfaction of the ming for the Cullome of action at the Parliament bolden in Anno 27 E. 3. a Sublide was granted to the Bing, his Deirs and Successors, (* over the Customes thereof one) viz. of the-Viz.the Subfi, rp tobole Cloath of Affile not ingrained, four pence, and for the ball of fuch a Cloth, two pence, and of every Cloth ingrained five pence, and of the balf two pence balf peng, and of every Cloth of Scarlet fir pence, and of the balf three pence: granted by Par- furing of every Cloth of Affite of the Seller a balf penp, o of balfa Cloth a farthing liament. (02 bis office, and no more nor that then the and that be take nothing of the Alnage of any Cloth but only of luch Cloth as is to be fold. And both in this Ad and in some Ads in the reign of H. 3. Confueru-Statede Scacca- dines & Custume, which are englished, Customes, are taken so; the Substitute stum des Leynes, that were granted by Parliament, so; verily those were ancient and right Customes of Substitutes. And in the statute of 11 H. 4. Customes and Substitutes are uled as Synonymaes.

Butlerage:

Butlerage is a Cultome due to the Bing of the fillings of every Tun of maine

brought into this Realm by Atrangers : but English men papeth it not.

In libro Rubeo in Scaccario in custodia Rememoratoris Regis, fol. 265. the Lib rubeus in grant of Bing John to the Werchants of Aquitain trading for Mines thence tate Scacc.fo. 265. Vid.6 E. 3.fo. 5. England of others Itherties, viz. De libertatibus concessis mercatoribus vinetariis & sahe Archb. de Ducatu Aquitanz, reddendo regi & bæredibus suis 2 s. de quolibet dolio vini ducti per coldem infra regnum Angliz vel poteltate regis.

All Werthants Strangers in confideration of the grant to them by the king of Anno 31 E. I.nu Divers liberties and freedoms, concesserunt quod de quolibet dolie vini quod ad-44. called Carta ducent vel adduci facerent infra regnum, &c. folvent nobis & hæredibus noftris nomine Custumæduos folidos, &c.

oupring 22 Prilagerater to the clied

Flora li.2,ca. 31. Rot.Par-40.H.3. lumbar,

P.Rec. 20 R.2.

bernia.

Rot Cartarum

at mercatoria.

Prilage is a Cuffome bue to the ming, of the Wines brought in by the Merchants of England of every Dhip baving twenty Luns of moze, two Luns, viz. Ror. Parias B.r. one befoze the Walt, and the other behind, paping twenty Gillings for each Zun : pro Math.de Co- and this is called certa prila, and recta prila, and regia prila, as in the necord enfuing appeareth, and hereof Werchant Erangers are viftharget per carram mercatoriam, 31 E. t. Ubi fupra. dial Date Lieth

Memorandum quod Rex babet ex antiqua confuetudine de qualibet nave mer-Vid.Tr. 33 E.r. catoris vini 6, carcat, applican, infra aliquem portum Angliz de viginti dollis duo Rocatas. Prife dolia, & de decem doliis unum de prifa regia pro quodam certo ab antiquo con-Vinorum in Hi- ftient, folyend.

Pereby it appeareth that Peilage is one by prefeription, and that it was a certainty of anciest time ordained to be paid.

It is called Butlerage because the kings chief Butler both receive it, and Prilage, because it is a certain taking of purveyance to Wine to the Kings use. In Hillary Tearm, Anno 2 Jac. Regis, upon a fuit make to the ming he the Duke of Lenox, question was moved concerning new Daperies, as Friga-

4\$ E.3.ca.3. & 1 H.8.ca.5. Concerning the Alnaging of new Draperiet.

Does, Bayes, Bozthern Cottons, Bozthern Dozens, Cloth raft, Burantel, Berpetuanoen, Auftiane, Contra Sachelof, Martingla and Coules mate Perpetuances, Austians, Cambre, Sache loth Magerashe, and Seulis made of uneightead parn, whether the king might grant the kinaging of them with a reasonable sit; or whether there were bothin the said Statute of 27 E 3. And their questions were by the kings commandement in this Hilary Term referred to all the Rubges of England to tertific their opinions concerning the suit to the Lecha of his Printy Councel, who were often bearing of the cause, and mature deliberation, and conference amongs themselves, in the end in Trimity Term following with one unanimous coulent, certified in writing in these mades following, viz. To the Lozds and others of Dis Pajesties most honourable Priby Councell. Our duties to your Lordships remembed. May it please the same to be advertised, that according to your Letters in that behalf, we have heard the matter touching the starm of the Airage, and measurage, that is sought to be granted by his Majesty of sondry kindes, as well of new made Drapery, as of be granted by his Majesty of fundry kindes, as well of new made Drapery, as of other Stuffs made within this Beating, and door hearing as well of some of See Rot. Part. the part of the Master of Orkney, as others, both of the behalf of the Duke of Cogware Ker-Lanes and Master Show inhaustinformed our selves touching the same. And for feys. See hereone opinions we are refolved, that all lie w made Drapery made wholly of wool, after as Prizadors, Bayes, Northern Dozens, Northern Cottons, Cloth raft, and o- See Rot, Patl. her like Despery, of what new name for the vie of mans body, are to 9 H. 4. m. 34celd Sublidy and Alnage according to the Stante of 27 E 33 and within the of &c. 11 H. 4. c. e of the ancient Alarge, a may appear by leveral decrees in that behalf a enactive 4 as each in H. 4. c. But as touthing Fulliant, nu. 26. for rem-Canvas, Sarkeloth and fuch like, made meetly of other fluff; than wool, for bemants of Clock, ing but mixed with wool, we are of opinion, that no charge can be imposed for act. It H.4.67; the fearch or measurage thereof, but that all such Patents so made are void, as may appear by a Record of the universe of H. 4. wherein the reason of the judgment is particularly mentioned, which we held not amisse to set down to your Lordships, which is thus, The same King H. 4. granted the measurage of all woollen Cloth and Ganvarthat Should be brought to London to be fold by any stranger or denizen (except he were free of London) taking one half penny for even ry piece of Cloth to measured of the feller, and one other half penny of the buyer, and to after the rate for a greater or lefter quantity, and one penny for the measuring of 100, els of Canvas of the faller, and so much more of the buyer. And although it were averaged that two other had enjoyed the same office before with the like sees, viz., one of hering by the same Kings grant, and one Clytheres before by the grant of Kings R. 20, yet, amongst other reasons of the Judgment, it was set down and adjudged that the former splitchion was by extremely and control, and without right and that those Patents were in our animals, appendiction. of depanjerationem populi Domini Reging of non in emendationem ejufdem populi, oc. and no benefit to the King, and therefore the Parents void, And as couching the parrow new fluff made in Merwich and other places with worflead yarn we are of opinion that is not greatable, nor fit to be granted, for we cannot find, that there was ever any Alnage upon Norwich worfleads. And for these stuffs if after they be made and tacked up for fale by the makers thereof, they should be again opened to be viewed and measured, they will not wellfall into their old plaits to be tacked up as before, which will be take affirmed) a great hinderance to the fales thereof in groffe, touthst they will not then appear to be fo measured the fales thereof in groffe, touthst they will not then appear to be fo measured the fales they were upon the first making of them up. And even fo we hambly take our leaves. Serjeants Inn, the 24 of June, 1605. Which Cartificate being tead by the Lozds of the faziby Counce! (A being then Atturney General and pterent) was well approbed by them all, and commandment giben, that it fould be kept in the Counce! Cheff to be a direction for them; to gibe answer to all faits of that him.

And it is to be obterben, I that Acts of Barliament that are made against the Lib. vi. forfeiterbom of trade, merchandizing, handictafts, and mysories, never like long.

Sop printed. Vide 6 H. Steep, sein printe

The Branch sa

to man His !

4 37 Biguesiy di de Taylers de Iplinich

Bills, motions.

an anom . Good Bills or protient in Parliament feldent die anem grade o die anem grade o die anem grade o die anem grade of the grade of the contract of the grade of the grad

2E.s.nui17 E 3. mu. 49. 1 R. 2 Bu,83. 4 R.s. nu.36. 9 R. 2. Bu. 44. 1 H. 4. Bu, 131:3 H.4. nu. 83. 3 H. 4. mu 70. 11 H. 4.

so fig. mult et.

Rot. Pul.

forme of Sec Rec Par

Rig an observation probed by a given mumber of pressurer; that nober day good lift to as preserved, or grad mostly made to Pressurent, befored any disconnected bear state in the Nourced back product to being state in the Nourced back product to the state of the hard taken of the interpolation may be a great encouraged and to be stay one industrian accomplete any taking come stare parameters by many taking come stare parameters by many; saping Apabe quoted in the many and as taking come fitte eparaples fiz man

nu 70. 11 H. 4.

nu. 47. 1 H. 5. nu. 23. 7 H. 5 nu. 12. 2 H. d. nu. 42. 7 E. 41. nu. 20. Aft of Patiences. 2 E. g. cap. 2. 25 E. p. cap. 3. 25 E. p. cap. 2. 25 E. p. cap. 3. 25 E. p. cap. 3. 25 H. 2. cap. 3. 25 H. 2. cap. 3. 25 H. 2. cap. 3. 25 H. 3. cap. 3. cap. 3. 25 H. 3. cap. 3. cap

The Subfidy of Tunnage and Poundage. ... in sedio the part of the Ma

Bythe Cubliquent Merords pour hall obterie 13. Chings. 2. The grant of Poundage only. 2. Of Luntage and Poundage, 3. Deberat rates a transcripte 60. 80. 120. for Bandage. 4. Demetimes 2 s. 184. 2 g. 3. lineviec, 1, 2, 3, 4. pents, for life. 6, Lo Perdants, 4c. 7. Lo habe intermitted and to bary, left the Ling houle claim it qual bury. 8. Crystello upon from and to bary, left the King house claim it and buty. B. Typetho upon from gift. 9. They condition to keep the pens, and for commerce 10. They is ever the confideration and cause of the grant. 11. Country without tetratheur 12. Sometimes double of Strangers. 13. Cloth excepted, that it is not get jest to Kumage and Househouse. 13. Cloth excepted, that if is not get jest to Kumage and Househouse. 14. Cloth excepted, that if is not get if the not get is to Kumage and house and it is the pound, for two years even condition, gold to be foundage; and 2 stratheur estudies, has vice, 16 and 18 and 2 stratheur for the penson of the country who have the condition of the condition.

The Records 47 E.3. nu.12. 6 R.2.nu.13. 6 7 R.2.ftat. I.

e 13 R.a. nu. 20.

f 14 R. 2 nu. 13. \$ 17 R. 2.nu. 12. 6 2 H. 4. nu. 9. 14 H. 4. nu. 28. 6 H. 4. nu.9.

8 H. 4. nu. 9.

0 3 H. f.nu. 50.

9 2 H. 6. nu. 14. 9 H. 6. nu. 14. 7 23 H.6. nu. 19. f 31 H.6. nu. 8. & cap. 8. 64 B.4.& 12 E. 4. c.3. in print.

Rot.Par. zH.7.

Printed, tfor

for rema

oftion, ec. bac vice.

d 5 R. 2. nu. 40. Mometinies to bave intermittlow, and to bary, left the Ming Bouls claim as 9 R.z. nu. 11. 10 R. 2. nu.18. 11 R.2. nu. 12.

of For Lumiage of wine 3 s. and 6 b. for Poundage for one year. 10 00000 f 3 B. for Lumiage of wine, 12 b. for Boundage, hac vice. 10 16 of bus, 12 year. nuver and to arrer

6 6. for Boundage, and 18 0. for Tunnage of wine for three pears.

12.6. for Poundage, and 3 s. for Anmage of wine for three years.

12.6. for Poundage, and 3 s. for Anmage of wine for Oberel times upon combition, sometime for one year. In these and most of the former granted upon combition for due employment. of their own god will, and to entreb, and the

9 H.4 nu. 27. Bing to babe a certain fum "moge expretty. # 13 H.4.nu. 10

na d. for Poundage, and 3 p. for Eumnage of wine for four years. The Like Bublidy is granted to the King for his life upon conditions, accepted was the first grant of Lumnage and Poundage for life, which was a lea-

thich was the first grant of Duminge and pountage of the prints of the period of the p

instrument peloen Anno PH 7: a line at the mate too the grant of

the Publicies of Lunnage and Poundage to him for his life.

Angust with progressing the grainest to king 11. 8. hr the Parliament belieu Angust with the progressing the progr

Rot. Biel . R. 8, met printed. Vide 6 H. 8, cap. 14. in prifte

The

The libergrant was made to H. G. Dusen Mary, Ameen Blist and Sing James all Columnia for their seperal libes, and in all these in in affirmed, that the libe granes were a fire cap. 18, made by Acros Barliament to Bing 11.70 and Bing blud. I have confloration of the grant of these Bublishes of Lunnage and Pount.

Dage in eber; an in afizefath, erpzefebin:the grand fange hieping and adeguard . 3 g has . on seas, and for intercourse of merchandist fastly to tome into this Meann; and fafely to paffe out of the fame. And this pertainerb properly in the office of

In Ring James his reign, when I was a Commiffoner of the Erestury, thile Suffoies granted for life amounted to One burged and theeftore thou fand pounds per annum, and to letten to farmt. The beines of the matehandige for Abook of rates the which the Sublidy of Boundage in paid, do appear in a both of rates in print, or values. whereby the Perchant knowes what he is to pay. The Sublidy of Lunnage of wine is certain in theis Sas by the contents of the Menels : and none of these Acts no errend to any other liquid merchandize imported or exported, but unto Liteens Quine off Ingungunitanos, off and mixtusani scour di guidean, goldit dan se gluo nanial zim of Laste, or da cong prose at , ding ai specimen to golding out seconorada parlametaram, to sulat ebery grant of them to fet down the rates in a fichequic amnered to the bill are at

Abe Finden af enei geting das the Afthenth part of archa proceedie, but in S.E. 3. all the Crab side to longin das gravo fines reivisidades concentre et

Second partlaft. The common of the bales of the grade of the grade of the sale and the sale of the sal his lands of goods after the rate of 4s. in the pound for lands, and 2 aco 8 biffor gods, and for Aliens for gods double, to fuch ends, and for fuch confiderations, and to be paid at tuch times, as by the Ade thereof (which are usual and frequent) do appear. And in former times in this kind of Sublidy, this order was observed ted, that oher and apole she Subling of Company and Space, the Company of the Com which old rife to I wenty thousand pounds, the Clergy gabe not.

At the Parliament holden in 3.1 Elize the Commons gave two Animies and four Fiftens, which first brake the circle.

In 35 Eliz. thie Dublides and fir Fift.ins.

This is contained in the Ad of Sublidy, and foun AG of Quantitie and done apidde of Sublidy and Foundation In 43 Eliz. four Dublidies and eight Aifteens, ec. . disperque agures do doct of at a theman

In 21 Jac. Regis, three Dubildies and Ar Kiftens in horter times then bad been beforen I a rattal to north marinos to dismostra I to 2121 to In 3 Car. Regis, fibe Dubildies in hortest time of all.

No. Par. 1 4 5 laiftealuge ne destriery excilent y lestoprode noiseassible de estreui attion Romania en en est de la financia del la financia de la financia del la financia de la financi eramples of former times.

As that of 4 R. 2. anch inhantles of Dubfinies althu dings Bubjeds of et- Rot. Par. 4 R. 2 ther fer by the poll, et. for the furnishing of the Carl of Buckingham for his go. nu. 15. 5 R. 24 the fire of the polity of the furthering of the warrer backing am too me go no. 15. 5 R. 22 the fire of the fire o

& ibid. In Fic. -laM ni soning fingham, &c.

* Rot. Park ir. the perbon. R. 2. nu. 11.

Hollinth Chron. Sor our roll

In Andore H. 8. to firmily the ming for bis going in his regal perfen into France: worth bebiet for gesting of money was fet on foot, tobich made the beableffe and bedleffe multiende to rife in rebellion, until Charles Brandon the notile Dubeiof Suff; quieteb anditiper feb them:

Rot. Parl. 9 E 3. DH. 5.

Fac. cap. 33.3

ment holden in 9 El 30 topen a motion was made for a Dubliog to of a new timb the Commons antwered, that they would babe conference with chale of their Cherry Countries and places, who had put them in trull, Defore they treated of any fuch matter.

Ret. Par. IL 9 H. 6. nu. 15.

A book of rates

to appening & to go

adi Vider wit. 6. pin. 19: Chery mnighes fit to pay 20s. and to according to the balue under og ober, and to of the Clergy for lands purchased fines 20 E. Y. Min att uiber habing 20 1. lands not beloen au is afegetajo, 20 s. ec. Ebis tobole Dubliop fog certain bonben the Ring utterly releated, to as there is no mention made of the fame: But bereof thus muth hall fiffice. " ander to thing ni wats Sepe viatorem nova, non verus orbita fillit and the water thanker ag

atsorta anon den tola Of Fifteens, Quintimes, &c. of at

Fifteens, Quin.

Second partInft. Mag. Carta cap.

ultimo.

neau dua "oricani s Fifteens, Quin A Fifteen is a temporary Aid granted to the Ming by Parliament, indicht zim or Task, or initions further inquire is certain, and iberein differers from the Subfide, which Quinta-decima. is eper uncertain, untill it be affelled. 331

> The Fifteen of ancient time was the fifteenth part of gods mobeable, but in 8 B. 3. all the Cities, Boroughs, and Botens in England toere rated certainly at the fifteenth part of the value at that time generally upon the bebole Lown. obereof you fall read mage at large in the Second part of the Inflitutes. aster of Magus Carra, Verb. Quintam detimam partem bonorum A To a the add rates a. in the pound leg land a, and a , mailidom

stouce administration to flich tilbe, end let fire kentigeratione, it fines, go buthadens for (mbich aie ment and (equene) southdy, this open was others

* Doomiday Norff, inWanelune, i. Wayland, bringe in Maf-

Dere is decima pare of the Laity, and for the most part of Cities and Boroughs by their goos, (Vide 1 R.2. nul 26.) which proportionably is, fecundam decimam quintam partem. That whith we call Ber, Ellfage, Tenth, and Fiften, the Saxons called Geldinn, " me ute the word changing g to y, for gelding, recipe gains

The would before the end of the Parliament, because it is to accompany the pardon.

or this in an arithmeter

am, &c. * Rot. Parl. 11. R. s. nu, 11.

This is contained in the Act of Sublidy, and foan Act of Parliament: and accordingly Sublidies, &c. Bare been granted, as in the Book of Statutes appeareth. An acceptiff sugar den entitled was and sale and

Of Acts of Parliament of confirmation of Letters Patents.

Rot. Par. 2 H. 5. Alle habe sead of particular Acts of confirmation of Letters Patents, but the nu. 20. 1 H. 6. first of lands or. that was the maje general, was the Patents of Francisco (to make their seasons the maje passate have the latter that general Acts the Queen, of the confirmation of Letters Patents have been been frequent. ce of farmer times

that of 4 % 2. jouthow dedructe chra Ladilandid go Sublent of rie Rot Par. 4 R. : ber fer the pail, ac. for the deriving of the Carl of Buckingham further go nu 15. 5 R. 1.

Rot, Parl. 6 H. 6: 1 Milliatt

Rot. Parl. 6 H. 6: 1 Milli it Da. preferred and the England to the transfer of Sold in State Control of Sold in Sold i as the fame imported indedently froit the till time there were befiben the Mith-

this unive.

medibut es

bilhops and Bilhops, 27 Abbots, and 2 Priors, Calbeit in trath the minuter How many Lords mas many times incertain, as in the clafe Holl it appeared:) which it betally Spitial in forbelb per Baroniam, and were Logda of Parliament, and facontinues antille die beideb gaid od mere diffalbed in the reign of H. 8. The entry of the faid Act of 6 H. 6. in the M. in: It is enacted by the King, Lords Temporal, and Commons, the no man should contract or marry himself to any Queen of England, without the special Thousand Clergy affented to this Bill, as far forth as the fame finerbed natife the law of God, and of the Church, and to as the fame imparted no deadly finne.

This is holden to be an Art of Parliament : First, for that the affent of the Clergie could not be conditional. Perondly, it was not against the law of God not of the Church, not imported any headly time to make this law be authority of Barliament, as it appeareth by Magna Carta cap. 7. which had by 32 Mers of

Darliament been confirmed, and many others.

This Law was made after the marriage of Quien Katherine Downger of H. c. mith Owen ap Meredich ap Grono (betrented of the Princes of Wales) by behom the had iffue Edmond of Hadham aforetain, Carl of Richmond, and Jasper of Hatfield, after Carl of Pembrook, and Duke of Bedford.

How the Comment pive their voices.

The Commany give their boices upon the queffion, by Bea 02 20; and if it be Pl.com. 326.mifdoubtfull, and neither party peldiclos are appointed to number themsone for the taketh it. Pes, another for the Bo: the Pes going out, and the Rallfting: and thereof report is made to the Boule, At a Committie, though it he of the whole Boule, the Pess go of one fide of the Boule, and the Ross on the other, whereby it will eafily appear tobich is the greaten number. The han vertice oil I

How Parliaments succeed not well in five Cases.

It is observed by ancient Parliament men out of Record, that Parliaments have not Accided well in fibe Cales. First, when the Ling bath with in displeasure with his Lords, of with his Commons. 2. When any of the Great Lords were at variance between themselbes. 3. When there was no good correspondence between the Lorda and the Commons. 4. Ashen there was no unitie between the Commons them elbes. 5. When there was no preparation

for the Parliament before it began.

for the I. Do effential is the Rings good will toward his Commons, that Eg. nu. a, and it was one of the petitions of the Commons to the Ring, that he would require the Writ with the Archbifhop and all other of the Clergie to pag for bin effate, for the peace and good government of the land, and for the continuence of the kings good will to wards his Commons whereunto the thrice noble Ling afterness with their effectual tooods, The fame prayerbrhe King: and many times the like estimins for the Logde. b Boto the Ring in all his meighty affairs had uled the abbice of big Com and Commons, (fo great a trut and confidence be had in them.) Alwayes probided, that both Rozbeand Commons bice them within the circle of the age four illegitiment chifon u. elenty. John Thenmailraff, adt Toumellus

enthom of the Parliament of most venell and another indication in the four description of the foreign state of the

ted, And almayes in the beginning amity beg were between the Creaters of Rec. Part of the Mealm hy habing of hands and histing and sometime by Madmission, which is a by the wife of the third when te bour as manded by the Logas of Command their might Counted Asuntes a principal motive for their to bate good incress in Buellantent, it was sufficed defrorte Dold 180, Eritis insuperabiles, a recritic inseparabiles, a recritic inseparabiles as Explosion of Allad, diverbular and the counter of the Dold 180, Eritis insuperabiles, a recritic inseparabiles as Explosion of Allad, diverbular and the counter of the Dold 180, Eritis insuperabiles, a recritic inseparabiles as Explosion of Allad, diverbular and the counter of the C

that the Clark number them.

a Rot. Parl. 37 Clergie, De oraș-de pre Rege de regas, which was ulual inch dayer S. A Ta Elwind or 70 Aligo Agrasti ni e Rot Paristi d. mil ra. Gerefie Adi of that Pari

11 H. 4 mu 10. 20 Judicum.

1 Chron, cap. 28.

Divide & imperat our radix & vercex imperii in obedientium confensu rata funt. all Rot the fourth : unity between the Commons themletbes. It is most necessar the King defired to the thete, and agreeable to the Parliament in the Both of Judges. Qualitation with the bonne and cade mente, and confile and R. E. H. to apply add the formula of the confile and the conf

the Atting, to the end that preparations might be had for the ardious and organic affairs of the Meelm : and that both the ming, according to the example of Sing David, and Itaetotte the Robles and Commons Sould Prepare, tor prap care medicaciones funt fempet faniores & meliores quam properate, toberein then Boules may greatly expedite the buffnelle of the Common westin in Parliament, if they will purfue the ancient cultom of Parliament, viz in the beginning thereof to appoint a felect Committee to confloer of the Wills in the time lad Partiaments that palled both Boules, og either of thom, dilo lich as had ben preferred, read, or committed, and to take out of them, fuch as be miof profitable for the Common-wealth. ्या विकास विकास विकास notted qd (?

The bonon and antiquity of the Parliament.

has the Clask

bunder thebr

7 H. 6. lib. 11.

fo. 14.

fo. 14.

Inter leges Ed. tutes, Sect. 164. Verb. Verb. leges eles Burgeffes, and in the Preface to the ninth wardi Regis, c.8.

Box of my Reports, fo. 1, 2, 3, 4. &c. whereunts you may ador. Inter leges Edwardi Regis, cap. 8: De decimis Ecclefiz reddendis, Sect. De apibus vero, &c. Har enim pradicavie beatus Augustinus, & concessa funt a Rege Baronibus & populo. A grant be erprette Ett of Parliament. Vide infra, cap. 79, pag.

The power and jurisdiction of the Parliament.

a See 13 Eliz. ca. 7.9. b Fortefc. ca. 18. c Virgil. d Rot.Par. 13 E. 4. DU. 30, 21,22 the case of the ves of the D. of Clarence and offer-

Duke of Buckingbath-ni lanis f 21 R.2.04.27. Six His Plating. ton. 31 H.6.2. This is shell in many Parlises the L. Ma i Ros Parl. An.

a Df the power and jurisoration of the Parliament, for making of laws in procap. 1.39 H. 6. ceeding by Bill, it is to transcendent and absolute, as it cannot be confined either for caules or perions within any bounds. Of this Court it is truly mit, by tiquitatem fpectesjelt vetuftiffima, fi dignitatem, eft bonoratiffime, fi jurificies nem felt capaciffima. I milest . ? Lozda libere at bariance besteden ibutifelbeca.

on and Huic egoinec metas rerum, nec tempora pono. 1 (1000)30 920301100137 of woman, may by Act of Parliament inheric buring the life of the Ancekor! 303 At may adjudge an Infant, of Pinoz of full age. In all see al sel se

and So attaine a man of Creaton after bis death, and to and the and and to

Le maturalize a meer Alien, and mabe firm a Subjed born. Alt may baffard a childe rhat by Late is legitimate, viz begotren by an Moultever, the usbend being within the four Deas, at a side afternal of anomalio De

An legitimate one that is illegitimate, and bogu before marriage abfolutely.

Inh of Gaunt Dune of Lancaster bad by Katherine Swinford befoze marriage four fllegitimate chilogen, viz. Henry, John, Thomas, and Joune, And bel the they were both at & Beaufore in France, they were bulgarly called Henry deiBeaufort Ser John befoge the 20 pear of R. 21 tota Enightto, and Henry became Prieft. Ar the Parliament boiden 20. Aul. the mingity Acot Parliament in form of a Charter both legitlimate these their comies, and Joane the ao R. a/m. 6: daubler: and the Charter beginneth thuis ? Reafface. Charistimis confanguiBeaufort came neis ablicionabilibus view philadus billicien Henrico Clericas Thomas admit
to the Houle of cello fae dilectic makis mobili multivir. Johanna Beaufort dautottii GrinaLanchymatic ins apracharissimi sasunculi molicie of datamis Digita Lapentula mitis ligeis

Blanch of Accois, and Edmond first Charlest Charlest. (Not Pic Holle) Michigan Mir Pins John in Anno 21 R. E. was created Earl of Somerfer, and Marghille Darlest. (Dadinth) at the Marghillety was then than 16 pt 18 Michigan ment. This Marghillety was then there was a This Marghillety was after Bilhopen Mirabether. One of St. Ewfolgs, and Charlest of Mighard. (a This Thomas was in 21 R. A. created Earl of Dorfer, 2 For Donier law, the Law and Charlest law (1943 29. 1). Not we different demicelles of the Out of the Control of t

Capell The Management of the Annual Court of t

the power of the Parliament, he without anellion the attainer authory of force. See Hoveden, in law: yet this Ray of the manner of the proceeding, and exact oblivio, it porefix pag 608 for the non uncuous flencium segal: for the more high and absolute the intidicion of word Domicel, the Court is, the more suit and bonouscable it ought to be in the proceeding, and H. 8. The attainted by Parliament, what thousand our but it is demanded, there be loan attainted by Parliament, what thousand be the reason that our Discording ho all crowned Earl of agree in this, that he luttered death by a law which he himself had made: Ray Effect. agrie in this, that he luttered death by a law which he himlelt had made? For anthor hereof, I had it of Dir Thomas Gawdye Unight, a grabe and reherend Indge of the Unight Bernd, who there are reherend that the Unit Bernd Williams and the Unit of Unit of

Principio.
See Hoveden

4. 18146 None

a Lex Divina. John 7. v. 15. Deut, c 17. v. 10. & ca.19. V.15. Mar.Par. 18 Johannis 273. Incivile videtur & contra Cano-

nes effe in hominon vocalums non consection nel confession, Ferre sentenciam Here of fee page Ads 25, 16.

Gen. 3, 9: Dixit Dominus, Adam ubi es y Vide Gen. 18. 11. Ecclesiation 11.7,8 rum. Joina 7.19, 22, 16, 24. 2 Parl: 20. 3: c Roc. Parl. 2 H.

Bi 2 C. 1618

pee bolder this

and Danied brown 1,54 37.0

6.m. 18.

And laters meir opinion was according to law, yet might they have himse a teles and any ed by the Districts of wage Carriers [25]. But cap is kelled upper parties and more and any of the parties of the parties and more and parties and more and they interest and parties and more and they interest and parties and more and they interest by partiament, of thing, as shey resolved. The party against belong they and interest, made interest, and more called in question, but she his man after the late it is not they are the are they are they are they are the are the are th

quad feceris, no ubitentuis. It at the finders and or alumination of inventions of the specific and inventions of the specific and the continuous is after bearing with differential the caute. Consider, consists, and the continuous is after bearing with differential the caute. Consider, consists, and then give femicials.

In and as epil to be be specified in Parliament against Dir John Mortimer, there for or Edmond the tecono Call of March (, delibered from Llone Duke of Clarence) who was invited of bigh Receion to extrain words, in ever, that Edmond Carl of March Hours be bimpely right of inheritance, and that he himself was nest rightfull bein to the Crosson after the late Carl of March. Wherefore if the late Carl would not take it upon him, he would a and that he would go into Wales, and tails an Army of 20000 men, or which motament (without any arraignment or pleading) being marry reigned to blend the title of the Mortimers, and withall being intuitivent in law as by the tame appeareth, was confirmed by Authority of Parliament in the law of the law propries into the Parliament without arraignment of antwer, judgement in Parliament was given against bill out arraignment of antwer, judgement in Parlament was given against bin upon the taid indiament, That he hould be carried to the Tower of London, and beaton through the City to Tiborn, and there banges, orator and quartered his bead to be fet on London-bridge, and his four quarters on the four gates of London, as by the nierozo of Warlament appearathicle office destination with the land the control of the land of t

The proceeding in Parliament against Absent : 130 141

Die ancient law and cultome of the Parliament was, that when any man was to be darged in Parliament with any crime by offence, or mistemeanour, the kings writ was directed to the Oberist to minion and injoys the party to appear before the king in the next Parliament! For example, one sol 3.11 thinds, of The

Placita in Par-

N h. H H

Rex mandevit Vic quod affumptis fecum quatuer de difere-Placia in Parliamento Dom.:

Dioribus et leg' militibus Com' sui in prapria persona sua accederet ad
Regis, Anno
E. 1. 33. NorNicholaum de Segrave, et ipsan in prasentia pradictorum militum sumthamps.

Mon' et ex parte Domini Regis sirmiter et injungeret quod esse coram Domino
Rege in proximo Parliamento suo apad West in primo adventu Domini Regis ibidem, ad audiendam voluntatem ipfins Domini Regis super bits, qua tune ibidem proponere intenderet verf. com, et ad faciendom et recipiendum ulterius quod Curia Domini Regis consideraret in pramissis. Et Vic mode mandavit qued asumpris secum Thoma Wale, Waltere filie Roberts de Daventry, Roberto de Gray de Wollafton, et Radulpho de Normavill quatuer milit' &cc. in propria persona fua accessit apud Stome ad manerium pradicti Nocholai, et in prafentia corundum militum (ummen' pradictum Nicholaum. er es firmiter infunxit quod effet coram Domino Rege in ifto Parliamento nunc

juxta formam et tenorem mandati prad &c.

Almaricus de Sancto Amando, Magister Johannes de Sancto Amando, Placita coram politicimus de monte acuto, Richardus Attehan constabularius castri Oscon, Domino Rege, Pasa E.I.Ret. Richardus de Hurle, Thomas de Curleton capellanus, Johannes de Ros, Johan-19. Oxon. nes de Trenbrieg, Willielmins Attemarde frater ejus, et Philippus de Wigenton attachiat fuerunt per Vic in cafero Oxon per pracept Domini Regis respon-Jamobregni fül kazilij, super quibus dam criminibus et transeressionibus infra fortifits et inde per manucaptionen fafficient adjornat corum ipfo Domino Re-De dit all bune diem, feilieet de die Pafeba in Ev. dies, &cc.

maind bim, Denajariis, gravaninibus, aut molestationibus, to appear in his

proper perfon befoge the Bing and his Council. As for example.

a Dominus Res mandavet bytwe funm Roberte de Burgberfh in hac verba. Placita coram Edmardus Dei gratia, 800. Daletto et fideli fue Roberto da Burgherfo confichelar aufini fui Donier et aufod quinque partaum, falutem. Quin di- Annoregni Re-leitaus nobis in Christo Abbas at Faueresham et Rabertus de Gurne balivus gis E. 1. 30. Consimile breve Sous ejuschem wille coram Genoilie noftre upud Eborum existente de diversis injuries gravaminibus et melefrationibus vie per ves valuntar et abfque can- Roberto de la rationabile multipliciter allatis granits querimonias depolucrunt ; petensee instanter at cie super hon fieri facentume nemedium opportunum propter & Baronum qued dedimus leis diem caram nabis et cancilie nostro à die Pasch, in 20. quing portuum. dies, &c. adquerelas fuas prindictus enno oftendend et adfaciend super prahas pherius & recipiend qued Institut sunderet : Vobis mandamus, qued in prapria perfant wester fiels coram nobis et concilio nostro ad diem pradict grafatis Abhatu et hobinis suis super pramissis respons factur et neceptur quod ouria nostra considerament in hac parte, et ab injuriis, gravaminibus moleftationibus at diftrifficoribus indebitis prafatis abbati et balivis fuis interior inferendis penisus desistendo. Et babeatis ibi boc breve. Teste mosplo apus Ainlifeum xxxx die Fannarii, Anno regni noftri xxx. Virtue sujus brevis pradictus Robertus wenit, et breve illud protulit ad diem in codem emtautum ... Et predichue Abbes wenit et querelas suas protulit in quedam resula foriptas, et quas in auria his quenclando aftendit et legere fecit, de quibus on or periods against the formos and harming!

Rege apudCant ubi supra eidem Burghe th ad fectam Majoris

e and not repealed, and that the faid be both they which absent themselbes wall be proceeded withall, Vide so E 3. nu. 27. Adam Buries cale, 2 parce Parent. 24 R. 2. nu. 15, 16. Rot. Par. 17 R.2. nu. 28. 11 H.4. au. 37, 38, 15 H. 6, nn. 4- 33 H. 6. to. 17. Str John Pil-Kingtons cafe.

And where ty ozder of faw a man cannot be artainted of bigh Treafon, un- Eliz. Barron, & Aelle the offence be in law bigh treaten; be bught not to be attainted by general others. And fee woeds of high treaten by Aurhafity of Parliament (as fomerime barb been Attainder of the wied) but the high treaten aught to be specially expected, feeing that the Court of Lord Cromwell, Barliament in the bigben and med bonourable Court of Juffice, and ought (as An.32 H. 8, ubi halb hen faid) gibe erample to interiour Courts.

There was an Art of Parliament made in the 11 pear of Bing H. 7. which had a fair flattering preamble, pretending to aboid divers milibiels, which tering Preamble were, I. To the bigh difpleature of Mimighty God. 2. The great let of the in st H. 7.

25 H.8 cl. 1. 3. fupra Amischievous Ad with a flar-

Common

Common law, and 3. The great let of the wealth of this land : And the Burbteto of that Ad rended in the erecurion contrary, ex diametro, viz. to the bigbialpleature of Almighty God, the great let, nay the utter fibberfon of the Common law, and the great let of the wealth of this land, as bereafter thall manifelly appear. Tabich Ad followeth in thele wozds :

11 H. 7. c. 3.

He King our Soveraign Lord calling to his remembrance that many good Statutes and Ordinances be made for the punishment of riots, unlawfull affemblies, reteinders in giving and receiving of liveries, figns and tokens unlawfully, extortions, maintenances, imbracery, excessive taking of wages contrary to the Statute of Labonrers and Artificers, the ule of unlawfull games, inordinate Apparell, and many other great enormities and offences, which been committed and done daily contrary to the good Statutes, for many and divers behoovefull confiderations severally made and ordained, to the displeafure of Almighty God, and the great let of the Common law, and wealth of this land, notwithstanding that generally by the Justices of the Peace in every thire within this Realm in the open Seffions is given in charge to enquire of many offendes committed contrary to divers of the faid Statutes, and divers enquests thereupon there straitly sworn, and charged before the said Justices to enquire of the pre-misses, and therein to present the troth which any letted to be found by imbracery, maintenance, corruption and favour; by occasion whereof the faid Statutes be not, nor cannot be put in due execution : Por reformation whereof, for so much that before this time the said offences, extortions, contempts, and other the premiffes might not, nor as yet may be conveniently punished by the due order of the law, except it were first found and presented by the verdict of twelve men thereto duly fworn, which for the causes afore rehearsed will not find nor yet present the truth: wherefore be it by the advice and assent of the Lords Spiritual and Temporal, and the Commons in this present Parliament affembled, and by authority of the same enacted, ordained and established, that from henceforth as well the Justices of Assise in the open Sessions to be holden afore them, as the Justices of Peace in every County of the faid Realm, (a) upon information for the King mation without before them to be made, have full power and authority (b) by their difany indicament, cretion to hear and determine all offences and contempts committed and done by any person or persons against the form, Ordinance and effect of (c) any Statute made and not repealed, and that the faid Justi-& consucrudiners ces upon the said information have full power and authority to award ccedings ought and make like processe against the said offenders and every of them, as they should or might make against such person or persons as been pre-(c) Obsolete sta-tutes and all, and sent and indicted before them of trespasse done contrary to the Kings specially such as peace, and the said offender or offenders duly to punish according to the time had so alte- purport, form, and effect of the said Statutes. Also be it enacted by the riginal cause of said authority, that the person which shall give the said information for the making the - the King shall by the discretion of the said Justices content and pay of, as either they could not at all, to the said person or persons against whom the said information shall ar very hardly be so given his reasonable costs and daminages in that behalf sustaible observed at ned, if that it be tried or found against him, that so giveth or maketh

(b) By their difcietion, & not fecundum legim Angl. as all pro-

kept.

any fuch information. Provided alwayes, that any fuch information But it extended extend not to treated a manday or follow, por to any other affence, to a Premunire, wherefore any person shall lose life, or member, nor to lose by nor misprison of about the fame information any lands, tenements, goods or chartels reason, ac. to the party making the fame information. Provided also, that the faid informations shall not extend to any person dwelling in any other thire, than there, as the faid information thalf be given or made, faving to every perion and perions, cities, and towns, all their liberties and franchiles to them and every of them of right belonging and apperben untuff and unteteinfil, for then it reffraired the Soberaign libergoinist

By betert bilebis law Emplon and Dudley alb commte avant the Dutled umlustradte prelitives and opprelitions, und therefore this Destute was suffip fon after the sessific of H. 7. Poschieb at the next Parliament after his deteale, by the Orahute somith B. cap. 6.71100 and the sufficient to be measured by the gol-den and Areignbulliermand of the law, and tweets the incertains and created cord

of difference.

One is not almost irrectible to the state of the Agrime, or Fundamental late of this Kealan is altered, (as elle differed ath alter acceptable differed ath alter acceptable differed ath altered by the most unjust the range Act of 1988. In the protest and trange Act of 1988. In the protest and the part of the part of the part and the part of the part and the part of the part of the part and the part of the part and the part of the part of the part and the part of the part of the part and the part of the part of the part and the part of the part of the part of the part and the part of the part of

Bil Statute de le H. 7. We habe recired Jand Demed the Juft incombeniencarthered of the end open the fire bould never perester be attempted in any Court of Parlament in Min that others might upon the trestill end of their two time-berges Employmens Dudley, a Qui esseme religis infiltunt, corum texious perhorretions adi of ostinin due ostining aded and it ad said, dalums

Des the Statute of 8 B. 4. cal 201the Statute of Libertes, an Information, et. by the discretion of the Audges to damp as an oxiginal, as Julia as is, deterbedly repealed. The chance we we make a portion of the interpolation.

the Commission of Dewers. Distriction or. Vide & H. 4. cs. 6.8. Die the Commission of Dewers. Distriction ought to be thus destribed. Distre- Lib., fo. 100, tio estidifectnere per legem quid sie justum. And this description is probed by Rooks case. Lib. the Common law of the tand, my when a Jury do doubt of the late, and define to be that which is just, they this the constal matter, and the entry is, Ec super total material &c; perunt discretionem fullicationam, and tometime, advisoration & discretionem sufficient or my late they have the base. vifamentum & difcrettonem Jufticiariorem in pramiffis, &c. thavis, they beffre Pl. Com. 348. coedingly. 2. H and the later the thing of the later and give fungement ac. Parnach cale. the wings souply many differed death as in case of Isigh Area-

they so all thine, effecially penal, and principally those that are penal in

generelt in Sanific, manneltag berre, ne bligund je epote bei been urtaalun cap.

though Bours incomaker and the lame, and accooning to bis known

1 H. 8, ca, 6.

Provided alwayes, that any fuch information

tione

any first information.

Acts against the power of the Partiament fulfoquent bind not: or nor to or membe fon thall lofe life.

21 R.z. nu, 20. repealed by & H. 4.C2, 3. I H. 4. nu. 48. Vid.7 H. 4.nu.

x H. 4. nu. x44. . An Article afche Pratine made intil Ryas apprentient fine person fronto attenie to trhone der Dedigance then made, is aerealed for that such restraint ig egging the juridistion and power of the Parliament, the liberty of the Ambiect, and uncertainties. And likewise the last Will and Arthament, or King R. 2. in der the Great Beat, Britor Beat, and Prior Signet, whereby he devised terrain violity, reading, of to his successful upon condition to order our the Andrews or the Parliament believed in Andrews of Parlegal, was how den unfult and unlawfull; fog that it reftrained the Soberaign libertyamitae Binas bis Succestozs.

21 R.2. c2.16. 3 Sundey Lords of Parliament (but no Bilbons) of fir of them, and vertain 21 R 2. 114. 44. Anights of thirds of the Commons of the first of the Commons of the commons of the first ions experience of Parliament to stamine, animer and plaining attermine, alither presented experience. ticions estibited in that Parliament, and the matters conteined in the lame betheis good adz H. 4. nu. 70. bies and difererion, et.. The high power of a Parliamentes be committed to a few, is boben to be against the dignity of a Barliament, and that no fach Commiffion ought to be granted.

norteration vide 21 R. 2. An Ac in 1.1 R. 2. Applying that no managinal inhomorphise wens of forms. An act in 1.1 R. 2. Applying that no managinal inhomorphise wens of forms and therefore as H. 8. ca. 1. In them exactly and against the law against th

2 H. 4. Ca. 22.

mingly at darkly few of greatest moment, evening case of Pich Areason, as saking one grouple penned, special to a maring in like cases bereafter, a special to a maring in like cases bereafter, a special to a maring in like cases bereafter, a special to a maring in like cases bereafter, a special to a maring in like as a state to be a selected by a special to be a selected by a selected by a special to a selected by a selected that are supplements of his fluctuation of disclination research to the selected by a selected that are supplements of his fluctuation of disclination research to the selected by a selected that are supplements of his fluctuation of disclination research to the selected selected that are supplements of his fluctuation of the selected by a selected to the selected fluctuation of the selected by a selected to the selected fluctuation of t the Little and Rule thereof : hand aftermerds towards the sub of the Parliament, a fell many referred whereby many offences be Bigh Ereafen, and thereby by it is enacted, That if any person or persons by word or writing, repractise on Arempt any bodily harm so sho Kings the himself of their heirs apparant, as are to deprive them property of them, of their dignery dittle or memosof their upyet eleater, post that the dignery and the leater, post that the dignery of their dignery of their dignery. Tyran,

[title] in the former Act. e Parker B. of Cant Lib.de An tiquitate Brit. time toto abfinquid fibi bic no . vus vellet titalus. au quor fum ten f But this Act li-

inside or thurseposithed so was a character or twin persons so offending Bould the adjudged Transcription in Manager by this rest in the inside the distance of the first of t ved not long, for nying of the Bings Supremacy dibers luffered death as in cafe of Bigb Treatwice it was refou, whereas all laws, especially penal, and principally those that are venal in pealed, viz. by the bighen degree s ought to be to plainly and perfpicuonfly penned, as every I E.6. C.12, & Dember of both Houses may understand the same, and according to his knowtroge and confcience give bis bofce. h Eric autem lex honefta, jufta, poffibilis, fe-

m Mar. c. r. g What qualities laws ought to

cundum naturam & fecundum consuetudinem patriz, temporique conveniens, b Ifidor. 2, Ecy, necessaria & utilis, manifesta quoque, ne aliquid per obscuritatem incantum capmol.

cione contrudar, mello privato commodo pifet pino communi civium williate pilar a chiv conferipta, iftee in tols confikutione illa confideranda funt, quia cum leges in-fituta fueriti non crit liberam arbitrium judicare de ipius fed apottebie judi cares fecundum iptie, tobich bei eprellent auten fog all Bartiaments co fellets. But the Bratute of 5 Eliz. ca. r. bath concerning the Supremacy acaic plaining et, l. Mark. and perfectioning as by the comerappearects ; of allies de la tranglioning seld

Exod. 32. 15, 16. Moses custos uriusque tabula. Numb. 10, 1, 2. Moses custos uriusque mbe. Joshus 12. 1. Confrequent folus, of c. 28. dimiste. 1 Chron. 15. 4. 1 Chron. 16.43. Rex David 2 Chron. 5.2. Rex Solomon, a Chron. 29. 15. 8cc. Ezekias. Nota. 1 Sam. 15, 17. Et ais Samuel ad Saul, nonue cum propulus offes asput in cribubus factus es? and the Tribros call and the Arabitation of the contraction of the cont

And albeit it appeareit be thele examples e many other that might be brought, Sabiequear Parwho airest it appearest of the examples a many other that might be brought, Sablequent Particular transcendent power and authority this Court of Parliament bath, yet liaments cannot be refrained by the strained by the sale of the parliaments bath as tempted to have refrained by refrained by the former of the parliament bath ever rocker or abrogate, subsent, and the strained by the former of the whole of in any part thereof, notwird thanking any works at H. H. 7. ca. 1. but the strainer of the whole of in any part thereof, notwird thanking any works at H. 3. c. 17. of restraint, production, or penalty in the towner; for it is a marine in the tank in E. 6. ca. 11. Lib.4.6.46. the problem of the parliament, quod leges posteriores priores concraving abrogam.

201101 (1911) (1911) (1912) (1914) (1914) (1915) (1915) (1914) (1914) (1914) (1914)

the trust reported the state of the state of

Act to better aberdation of any Sit of that flament enacted for the Common bearty, or as a Bertriou of the tipe, or subjected in Bartrapient of the tipe and like the control of the tipe and the tame may be updefined in the Courts of Antice in the manner. The tends of the tipe we can be tipe to the tipe and the Courts of Antice in the manner. The tends of the tipe we can be tipe to the tipe of the Courts of Antice in the Courts of Antice in the Courts of Antice in the Courts of Courts of the Courts of the Courts of the Courts of the court of the courts of the

Every Member of the Parliament ought to come

Ebery Lozd Spiritual and Tempozal, and every Knight, Citizen and Bur. Rec. Par. 21 List gette thilf upon Summons come to the Parliament, ercept be can reatonably and butterly ercute himfelf, or eine he mall be anierced, we that is, respectibely a Logo for the Commons by the Commons.

By the Statute of hill Rec. To me knight, Citizen of Burgets of the Donal of Lords or Commons that obspect from the Parliament without themse of the Spirale with more was non Commons, the same to be entired of recogning the two of the Clerk of the Parliament, and was the ment of the Parliament, and was the ment of the Clerk of the Parliament, and was the ment of the Parliament, and was the first of the Parliament.

ment, upon pain to lofe their mages.

Vid.3 E. 18.fup. If any of the Lords or Comk M. Roc.48. ut * 5 R. 2. ftate 2.

9.4

Lutter!

If a Logo depart from Parliament without licence , it is an offence done ont of the Parliament, and is finable by the Lords : and fo it is of a Gember of the Doute of Commons, he may be fined by the Bouls of Commons. Vide 1 & 2 Pk. monidepart, &c. Pouts or Comments, ps may be more by the Bouts of Comments. Vide 1 & 2 Richard for the Beat of the Attacher Central for the Beat of th ik : Ph. departing without licence, ut fupra, men diad it is and ; to sivilate suit tust

* The punishment of Sheriffs fog their negligenes in retogning af Willetts orga for leading out of their returns any Cirp or Borough which aught to fend Citi-

E all dimile a Chron. 15. 4.

Advice concerning new and plaufible projects and and bes offers in Parliament, ansuge it stadfa en 2 that sucht be brancht

יווני נבחהסר

See before, p. 14. Commons to adent to any Ma (especially in masters of beach in importance, if both Poultes be gibe upon the master projected and promise their content, is that he most necessary, they doing musted by the Common beauth, to habe the matter projected and promised their content, is that he not necessary, they doing musted by the Common beauth, to habe the matter projected and promised neber performed, and to the Poultes to content) in he, effect to and promised neber performed, and to the Poultes of Portlaiment perform not the trust repolica in them. Ma it fall out (taking one cromple for many) in the reign of H. S. On the sings behalf the Pembers of both Poultes here informed in Parliament, that no King no Kingdom was last, but where the King had been abilities. First, Lo live of his other, and be able to defend his kingdom was any subsenting for the first was any subsenting for the first that he first the Parliament bould not be made to the bins of the first bould make after the first parliament would not be made to the public. Principle, fringits, shunweries, and other Poustbries, last for other the public, principle, fringits, shunweries, and other Poustbries, last for other the last trained bould take accert that the same spould not be conserved to pileate use. But the first bia Erchequer so the purpose storedate hould be entrified. Secondary, the king bould receive and trained boulders with a first trained boulders with a fill trained boulders with a fill required by a continual maintenance of poularies with a fill required by a continual maintenance of poularies and common arise. For purpose of the Realm should be entrified in any time to come should be charged with Suddies. Fifteenths, Lastin, 82 of the come should be charged with Suddies. Fifteenths, Lastin, 82 of the come of the Realm should be any dimension of the Realm should be any dimension of the Realm should be any difference of many time to come should be charged with Suddies. Fifteenths, Lastin, 82 of the common arise. For public wathen any plaufible project is made in Parliament to arate the Lords and

27 M.S.cap.28. Soto obferbe the Carattrophe, in the fame Barliament of 32 H. 8. when the 32 H. 8. ca. 23. great and opulent Priozy of Saint Johns of Jerusalem was given to the Bing, be demanded and bad a Subfidie both of the Clergy and Lairy. And the like be bad in 34 H. 8. and in 37 H. 8. be bad another Subfide. And fince the diffolution of 50. 34 H.8. cap. beman 16 & 17. 37 H. 8, cap. 24.

the faid Wonafteries be eraded ofbers loans, and againft late receibed the fame. Whom the King may call to the Lords House of Parliament.

Roc. Clauf. in so Septemb.

If the king by bis Whit calleth any knight of Etquire to be a Lord of the Bartiament, be cannot refule to lerbe the king there in communi illo Concilio, for the good of his Country. But if the king had called an * Abbot, Prior, or Write to divers for the good of bis Country. But it the Bung pay talle Common Councel of ad ordinen mili- other segular Berliate by Marit to the Parliament to the Common Councel of the Bring per Baroniam, be might refuse to ferbe in fufeifiend' junta the Menlim, if be beld not of the Ming per Baroniam, be might refule to ferbe its antiquam confuctuation in creations uftratam. Of regular Prefates that hold per Baroniam,

Parliament

Barliament, because quoad fecularia, be tous mortous in lege, and therefore not And for war capable to babe place and boice in Parliament, unteffe be dit bold per Baroniam adjudged in the and were to that Common Councel called by Majit, tobich made him capable : TorkaniaB. and though fuch a Bzelat Megular had been often called by attrit, and had de far bibe eafe ofthe do bad place e boice in Parliament, pet if in rei veritate be beto not per Baroni. Abbor of St. am, be ought to be diftharged of that ferbice, and to fit in Parliament no moze.

a, he ought to be diffraged of that terbice, and to ut in abartament so indee. Thampe, a for that the Append Leicester was founded by Robert Fitz-Robert Carl of Scanford pl. cor. Leicefter, (albeit the patronage came to the Croton by the fogfeiture of Simon 1934, de Mountford Carl of Leic.) pet being of a fubjetts foundation, it could not be akorpat, Ap. 26 holden per Baroniam, and therefore the Abbot had no capacity to be called to the #.3.part 1 m.2.2. Marliament, and thereupon the Ming oid grant, quod idem Abbas & fuccesto. See Rot. clau. res fai de veniendo ad Parliamenta & Concilia nostra vel hæredum nostrorum part 2. m. 17. quieti fint & exonerati imperpetuum, ich continuero to ibis dan.

b De jure & consuetudine Angliz ad Archidiaconatum Cantuariensem, &c. Ab- nont per Barony bates, Priores, aliofq: Pralatos quolcunque per Baroniamide Domino Rege te- font ien m de ve-nentes pertinet in Parliamentis Regiis quibulcunque ut Pares regni pradicti per- nier an Parlefonaliter intereffe, ibique de regni negotiis ac aliis tractari confuetis cum cateris ment. Vid, ibid. dich regni Paribus ac aliis ibidem Jus intereffendi babentibus confuere & tractare, mak. & I.
ordinare, statuere, & diffinire, ac extera facere que Parliamenti tempore ibid. & Rot pat. I Reimmunient faciend. mez mi

Ro man ought to fit in that bigh Court of Barliament, but be that bath Artic. 34right to fit there : for it is not only a personal offente to him that litteth there without authority, but a publique offence to the Court of partament, and conquently to the tobale Realm. But all the cases abobelato, and others that might be remembred touching this point, as little Ribers be flow from the fountain of Modus cenendi Parliamentum, where it is fait ; Ad Parliamentum Modus renendi fummoneri & venire debent ratione tenure fue omnes & finguli Archiepift', Parl. ca. s. Episcopi, Abbates, Priores, & alii majores Cleri que tenent per comitatum vel This is infra ex-baroniam ratione hujusmodi tenura; & nulli minores, nifi corum prafentia ne- plained by the cellaria vel utilis reputetur, &c. 15 (411) 11 1111 1111

One rare and frange creation of a Lord regular of Perliament the cannot pale ober, which was, That Bing H. 8, in the fifth year of his reign, byble Letters Batenta under the West Deal, bio grant unte Richard Banbam Abbot of Tavestock in the County of Devon, being of his patronage, and to the successor the fain Abbot, ut corum quilibet, qui pro tempore ibidem fuerit Abbas, fit & erit unus de spiritualibus & religiosis dominis Parliamenti postri, beredum & successorum nofteorum, gaudend, honore, privilegio & hibertatibus ejufdem.

By that which hard been faid, it appeareth that this creation of a regular Lord of Parliament was buid, for that the Abbot was neither Baro, nor had Baroniam, &c., And if the King mighticreate Abbots or Policies Lords of Parliament in this manner, by the same reason be might create Beans and Archbeacons Lords

of Barliament, which without question be cannot den alle of Clarendon, it is be to Hacap. 11. clared, Ut pars confuerudinum & libertatum antecefforum regis, viz. Henrici pris Mar. Par. 97. Afmi & aliorum, que observari debent in regno & abommibus teneri, viz. Archi. fila ce clarendar epilcopi, Epilcopi, & univerlæ perfonæ regni, qui de Rege tenent in capite habe-ant polleffiones fuas de rege ficut baroniam, & indexespondeant Juficiariis & ministris regis, & fequantur & faciant omnes confueradines regias, & ficut cateri barones debent interesse judiciis Curiz regis cum baronibus quonsq perveniatur * ad diminutionem membrorum vel ad mortem. In as by this Aca tenure of the Bing in chief was in equipage with a Barony.

And Ring John by bis great Charter of liberties made Anna 17 of bis reign, Cars, libertet. 2 granteth, Quod faciemus summoneri Archiepiscopos, Episcopos, Abbates, Co. Rege Johanne Clause we are to observe these things: First, that these Barons called here Man Man, Par. 343.

Decondly, that they were called Majores comparatively, and that was in respect.

of that . Such that

2. part 1. m. 3.

* Rot. Parl, 11

shall levy the

See 8 R. s. tit. Avowrie 160.

what the Com-

mon law was.

For the legal

of this word

understanding

d Regift. 61.

7 H.6. 39. b.

F.N.B. 14 E.

munitate.

fame.

Nous a Knight of others tohich were called Barones minores, of Nobiles minores, and there fer ibibe fervice Freiholbers that * balo by Bnights Bervice and Clounge, s. Servitium : Soiti, of st a naught, chat the forts, duie Milites, Armigeri, & Generofi, Amighes, Emuires, and Genarms, or of mar, tlebomes, og Bentlemen. Abele Barones minoies were Lagos of Panniegs, and had not the biguite of Lozds, but had Courts of their Freboloers, which to this focond part of day are called Court Barons, Guriz Baroniar. De this Baron it is fall the that the Indiacapide Jam made by Bing Edward before the Conquett: Barones qui fuam habent "Cu-Milithus, a E a manual freshound by Bing Edward before the Conquett: Barones qui fuam habent "Cu-Horeof feethe Inter leges Bew. reiam de suis hominibus, videant ut sie de eis agant, quaternis erga Deum restum

" Curiam Ba- Baro à Bar, Germanica lingua liberum & fui juris fignificat, 1. which weeth 1990is Glanvalis. well with that inhich hath besti faid. 2. That Baro major tous called Baro misjor cap, a f. accin regni. 3. That every greater Baron was feberally funntioned by the things muur.

Camd.Brit. 141. Wilgit, tobich continueth to this day.

A be saig The fees of the Knights, Citizens, and Burgeffes of Parliament.

In dorf. Clauf. First, for the mnight of any County it is 43. per diem, and to it bath been Alt 46 E.3. id. 4. time out of mind, tobich is particularly expected in many Mecozds, but let us Jan tide expentis tabe one in bac verba. Johannes Shordich unus militum comitatus Middlefex venientium ad Parliamentum tent' apud Westm. in Crast. Ammar. ultimum prz-Registo. 138.a. peric habet allocationem 4 li, 80 4 s. pro sr diebus pro expensis luis veniendo ad acc'. Diota, Veniendo, Parliament' przedich' ibid' momando, & exinde ad propria redeundo, captendo per Morando, Rede diem 4 5. Tefte Rege apud Westm. 24 die Novemb. Anno 46. Oberp Estigen undo, per diem 4s. and Burgeffe is to babe 2 s. per diem, ur lupia, muratis mutandis.

undo, per diem 45. and Burgesse is to have 2 s. per diem, ur tupra, muchts inusurus.

Par. 31 E 3. n. Nota the unit. De expansis militum, &c. both comprehend the summe according to the abovessid computation, and a commandement to the Pherist to step See the antigat the same. Decommunitate comitatus predict, raminfra libertates, quam extra. Treatile, De mode sends Parli ((ivitatibus & Burgis de quibus cives & burgonses ad Parliamentum nostrum, &c. da temedi Parli. ((ivitatibus & Burgis de quibus cives & burgonses ad Parliamentum nostrum, &c. dRegist, 1921. venerum duntanat exceptis.) The like units to the Pherists De expensis Civisce the Stat. of um & Burgensium, to leby the same in Cities and Bozonghs.

12 R.2.ca.12. & An. 2 R.2. ou. 11. the Commons perisoned in Parliament, that all persons see 22 H.6.c.11.

fee 23 H.6.c. 11 habing Lap fe might contribute to the charge of the thights, and to all calla-how the Sheriff ges. The thing answered Ethe Luzbs of the Mealm will not loft their old liberties.] Rote the Wart in De Communicate, 199 .

4 Alfo there'is a delet inthe regilter De expensis militis non levandisab hominibus de antiquo dominico nec ab nativis. Deber oftcharges De expentis militi. For the wages of the mights of the Shire of Cambridge, It the Statute of

Mota de com-34 H. 8. cap. 24. Confimile pro Infula de Ely,&c.

8 H. 4. Ap. 14 of his reign funtmoned a Pornament Crastino Purificat, and Vid. sup. pa. 1. he deceased 20 Marcil follotoing, so as the partiament was officioed by his deceate. Thereupon it was a quettion, tobether the Anights and Burgeffen Bouild have their wages, feing nothing palled in that Parliament. And it was refor-Comment bed, that if upon view of the mings " Merords any like presidents may be found, e.Roc. Por. 1.R. 2 attomances of their fies hall be made. And the Clergy were contributory by reason of their Benefices to the expences of the procurators of the Clergy.

But Chaplains which are Matters of the Chancery and attendancs at the Parliament, fall not be contributory by reason of their Benefiten to the expences e Reg. 191,193. of the Clergy, as by the Megiker abi fupra appears : and this was by an Art of 12 R. 2. ca. 12. Parliament made in * 4 E. 3. which in general words is recited in the exitt of

f. 34 H. 8.cs. 24 reded to the Archbeacon for their Diftharge.

g Rot. Parl. 1 H. 5. nu. 26. b Nota, for prefidents. i Regift, 261, F. N. B. 229 a. Vide fupra. p. 4, 5. Pail. An. 4 E. 3. apud Winten, whereof there is no Rell now remaining.

Who be eligible to be a Knight, Citizen, or Burgeffe of Parliament.

See the Star. of A unight Baneret being no Lord of Parliament is eligible to be unight, Ci-Vid.fup. p. 4.5. fizen, og Burgette of the Boule of Commons being under the begret of a Baron, 5 R.2 cap. 4. Rot,brev. 7 R.a. who is of the lewell begre of the Logos Doute. But Thomas Camois was not onely a Anight Baueret, but a Baron and Logo of Parliament in Aono 7 R. 2. and ferven in that Pacliament as a Baron of the Realm, and therefore as of a Dorf.elauf. 7R. thing notozious he was discharged. One under the age of zi pears is not eligi. 2.m. 10.8 37. ble, neither can any Logo of Parliament fit there untill be be of the full age of 21 pearme enter in eine eine Gomminn A ein , ern Wefteb ier in mannen eine merten er

An Mien cannot be eledes of the Parliament, becaute be is not the Bings liegt Villa de i Mar. Subject, and la it is albeit be be made Denigen by Wetters Batents, ac. fog thete- cap. be be in mate quas, fen tanquam ligeus; butthat will not ferbe, for he must be ligens revora, and not quali, &c. And the have luth a one choten and difaffowed by the Boute of Commons, becaute fuch a perfouran balo no place of indicatore: but if an Alien be naturalized by Parliament, then be is eligible to this oz and o-

ther place of judicature.

But it is objected that Gilbert de Umphrevill Cart of Andgos in Scotland, man 39 E.3.35,36. called by the mings while to the Parliament in 39 E 3. by the name of Gilbert lago and in a which we manufacture brought against bim, by the lago and the name of Gilbertillmphrevill Chiraler, he pleater to the wart that he was Carlof Andgos not named in the Bollet : and for that he was funmoned to every Barliament by the name of the Carlof Andgos, and the Bing fent to him a weit of Parliament under the Creat Seal, as to a Peer of the Land i by jungement of the court the Eurit air abate. We have leavely by the truth of this Cale, and do find it in the Plea Holls in this madner of 18, 31

hier Da Dingel

Richard de Umphrevill Baron of Prodhowe and Redefdale in the County of Northumberland, par iffue Gilbert, who after the occeale of his Nather was a Baron of this Realm, and in the Reignor H. I married with Wawde manghet and Beit of the Carlos Andgos to Scotland, who are the fine time Gilbert, who was Carlos Andgos as beir to his mother, and Baron of Prodhowe and Redefdale as beir to his Kather: De fate in Barliament apon funitions by a cathetica 27 E. a. 28 E. 1. 30 E. 1. 34 Evra a. E. 2 and 2 E. 2. by the name of Gibbert All this doth appears of Andgos. Robert his Sont late in Parliament. Anno 12 E. 2. by the pear in the Rollis fame name of dignity, and is footh, all E. the Deconos reign. And Gilbert his of Parliament in all the feverall tonne fate in Barltament in 6 E. 3. and in every Parliament following, untill, all the feverall and in AR. The the fame name. And in Cither Dia fon (, who sectated in Attno 15 H. 6.) the diritance of Uniphre will ceased. Bereby it appeareth that the said
Richard Umphrevill and the possestion from underter soever they originally befcenben, were liege Englishmen : fog if they had been Aliens, they could not have enjagen the Lazothips of Prodhowes, Orterborne, Harrbotte, and Redefdale in These two were England, not the Barony of Kime in Lancathire, liable the frontiet Gitberts commonly cal-And note, the Book in 3 g. E. 3. conclubeth, that Gibent Umphrevill led the Harls of was funmoned to the Barliament unper the Great Beal, Come un Pier del Kime.

of Knights, Citizens, and Burgeffes of Parliament and

Poute of the Judges of the mings Bench, or Common Dicasyor Barons of .Ro.Pa. 31 H.6. the Explicate that have indiciall places can be cholen unight, Citizen, of Bitle nu. 26,27,28, gene of Parliament, as it is now holven, because they be alliftents in the Boxbs Nor, he could bout 3 and pet you may read in the Parliament Moll, Ab. 3 114 6 that Thorpe not be Speaker unless of the Exchange in the Court of Business. Court of Dutchy, si other Courts Ct. Shireske, in the clefialtical, of Civil, being no Lord of Parliament are rigidale.

Mone of the Clergy, though they be of the tomes Diver, are eligible to be lesof the House might. Citizen, of Burgeste of Barliament, because they are beautifully tooy, viz. a diesas Novels der liament, indere att the their softeed a

A man actainted of freaton of feloup, be. is not eligible: for concerning the e- was Dean of legion of two maights; the words of the sulfit be; Doos milites gladies cine de Pauls being a magis idoness & diferetos eligi fac. And to the election of Citiens & Birgettes Prebend. 1 Mar.

Rot. Par. 46 E.3.

R. 2. ftat, 2. c.4.

7 H.4.ca. 15.

mu. To

the words of the Mitt be. Duos, &c. de diferetioribus & magis fufficientibus. which they cannot be faid to be, when they are attainted of treason og felony ac-

Bajozs and Baliffes of Lowns Coppozate are eligible against the opinion in

Brook. Anno 38 H. 8, tit' Parhament.

Any of the profesion of the Common Law, and which is in practice of the fame is eligible. For be which is eligible of common right, cannot be difabled by the faid Debinance in Parliement in the Lords Boufe in 46 E. 3. unteffe it has been by Act of Parliament : And if it has been by Authority of Parliament; pet had the fame been abrogated by the fair flatutes of 5 R. 2. flat, 2, cap. 2, and 7 H. 4. cap. 14. which are generall laws without any ercention, as bath been

Ret . Clauf. An. 6 H. 4. See before p.10, 4 Petty Actspalfed at this Parl. of little or no ef. fect, as by the fame appears. Rot Par. 50 E 3. nu 83.an Ordinance that no Sheriffe thould be Juffice of peace, &c. bound nor the fubject untill a ftatute made I Mar.c. 8.

All the Best age

diele ferriall

. 33 7

5 Eliz;cap.I.

odr or gind

onto a sound

fes of the House

cafe, who after

At a Parliament holden at Coventry Anno 6 H. 4. the Parliament was fum-moned by Mait (and by colour of the fair Dedinance) it was forbidden, that no Lawper Bould be chofen Anight, Citizen, oz Burgelle, by reaton whereof this Parliament was fruitlette, and never a good law made thereat, and therefore called Indoctum Parliamentum, og Lach-learning Parliament. And feeing thefe waits were against law, Lawyers ever fince (for the great and good ferbice of the Common wealth) have been eligible : foz, as it hath been faid the addrits of Barliament cannot be altered without an Act of Barliament : and albeit the prohibitory clause had been inserted in the whit, per being against law, Lawyers were of right eligible, and might bave been eleged knight, Citizen, oz Burgelle in that Parliament of 6. H. 4. 6619 to ming at the sunger!

By fpeciall order of the Boufe of Commons the Attorney Generall is not eligi-

ble to be a member of the Boule of Commons. Is a rin one and says will in the boule

At the Parliament holosy I Caroli Regis, the Sherisse for the County of Buckingham was chasen unight for the County of North and returned into the Chancery sand having a Subpeens out of the Chancery ferben upon him, at the fuit of the Lasy C. pendence Parliamento, upon motion, he had the privilence of Darliament allowed unto bim by the jungement of the whole Boule of Comine gingio o guisi 2mal The Cib. anom of Parlaments

Who shall be Electors of Knights, Citizens, and Burgeffes, how and when; and of Elections

ner of Cleation, and therein the duty of the Pherifie, you may read in the politive laws of 7 H. a cap. 15.11 H. 4 cap. 1.1 H. 5 .cap. 1.8 H. 6.cap. 7.10 H. 6.cap. 2:23 H. 6. cap. 15.6 H. 6. cap. 4. &c. which need not here to be particularly rehearles.

Do Unight, Citizen oz Burgeffe can fit in Parliament befoze be bath taken the

Dath of Supzemacy.

Vide Rot. Claus. 7 R. 2.7 Octobris in Dorf. Sir Thomas Morevill elected one of the unights for the County of Hertford, Ibid. James Berners choten to ferbe in Parliament, and both of them bilcharged. See the Kecozo.

Do election can be made of any muight of the Shire but between 8 and Is of the clock in the fozenoon i but if the election be begun within that time, and cannot

be determined mithin those hours, the election map be made after.

For the election of the unights, if the party of the Freeholders demand the doll, the Sheriffe cannot veny the crutiny, to be cannot differn who be Freeholders by the view : and though the party would wave the Poll, get the Pherific

Down to dood must proceed in the fceuting.

: If the ming both newly incorporate an antient Bozonat (which fent Bugel. les to the Parliament) and granteth that certain feleged Burgeffes fall make election of the Burgeffes of Parliament, where all the Burgeffes elected before. this Charter taketh not the election of the other Burgelles. And lo, if a City, oc. bath power to make Ogbinances, they cannot make an @goinance that a lefte number fall elect Burgeffes, for the Parliament then made the election

1 .24.ud.a 17:55 27 H. 6. nu. 18.

before; for free elections of Meinbers of the Digo Const'of Patrament are probono publico, and not to be compared to other cales at election of Pajore, Ballists, et. of Corporations, or.

If one be very elened unight, Citisen, of Burnette, and the Sheriff return a Roc. farly 14.4.
nother, the return must be reformen, and amended by the Sheriff r and be that is on 18.
duly elened must be interted : but the election in these cates in the foundation, and

By oziginall grant og by cuftomeja teleneo number of Burgeftes may elen anb bind the refloue.

Concerning Charters of Exemption . s or um salet

The Ring cannot grant a Charter of exemption, to any man to be freed from election of Anight, Citizen, of Baigelle of the Parliament (as be may be of lame inferiour Diffice og places) because the elections of them ought to be free, and his Palcia E.g.f. 19. attendance is for the tervice of the whole Realm, and for the henefit of the ming tic. colon, F. 161. and his people, and the inhold Commonwealth bath an interest therein and therefore a Charter of exemption that king 14 60 had mute to the Citizen of 29 H. s. cop. 5. York of eremption in that cale, bas by Ma of Bartiamens cuanco and pechaco to be boil. And though me find fome preflocuts that Lords of Parliament babe Rot, part part fued out Charters of exemption from their terbice in Barliament, vet thefe Char 11 E. ters are helbenito be bois 3 for though they be not eligible, as its africality pet Rotpar.4 part their ferbice in Markament is for the whole Mealing, and for the benefit of the wifig Is. A first, properly of indich ferbice be cannot be groupled by any Retters Parents. Rot, pr. 2 no. It be bath is fam phantalism, up be extreamly fifth up the like, theferbe good part, a first montrol of bis excule in not comming, but no cause of examption, so the may even both memory and health, us. So as the suppellment were ground declared, 39 E.3.15. not de jure ; foz if the King cannot grant a Charter of exemption from being of 1, H 6.19. the grand Allife in a Mait of right, as of a Auty in an Attaint for the milibiet 37 H. cap. that may follow in those printerentiany, a forciori, he cannot grant any exemption to a Lozd of Parliament; for this ferviori in Parliament in public to the whole Mealin. But if any Lozd of Parliament be to agen, importat, or fire as be cannot connecisely without great danter travell to the Migh Court of Mark. he cannot conscribently without great danger travell to the Dig ament, he may have licence of the Bing under the great went to be ablent from the fame during the continuance of propogation thereof butil the rehearfall be not true, or if be recover bie healthe fo an be become able to travell, be mult attent in Barliament. De without any fuch licente obtained, if he be to ages, imporent or lich, as is afozelaid, and yet is amierced for his ablenced be may reasonably and homeline selections of R.2.6.4. Car. 2

After the precept of the Oberific Directed to the City or Bogaugh for making of election, there ought foundamingen & confucudance Part, to be given a convenient time for the pap of election, said lufficient warning given to the Citizens of Burgelles that bave worces, that bbey may be profest to otherwise the election is not good. unlesse such as bave boises bo take notices of themselves and be present at the election.

Any election or voices given before the precept be read and published, are took, and of no forces: log the fame etcades after the species read said published may make a new election and after their voices, ferundum legenracion factualism Par-In paritting open the grolle of Particularies so fine, Fiell, morre i sinomail.

Thus much have two thought good to fet both concerning Anights. Ettipens and Burgeffes, because much time is spent in Parliament concerning the right of elections, as which might might profitably be implayed pro bonn publico.

Som to freat moze in particular (as buthbeen much beliben) of the tames, Sec before pag. cultomes, liberties and principoges of this Court of Parliament (which are the 24, 25. perp heart frings of the Commonducatch, Wheteof we have remembres fome ? Clanfin dorf. and you may fee fome " few other examples in the margent; too long here to be Roc.Par. 11 R.1.

eapienic veni-

can sud indistra anianti fant, fru

ter fo quid agen.

dum habutrint, fit Samuel Bar.

L'arric'il

OF IN EAST INCHESSION ! Cos meda

done of Pari.

mene finie the flaupaco .

acountais Co

H. 4. nu. 141. 2 H.4. nu. 11. 2 H. 4. cap. 1. Rot. Parl. 9 H. 4. Indemnity des Selgaiours & Coma 4 H. 8. c. 8. yerf. finem, a generall law. 6 H 8. 6. 6 in the Pregnth. mr. 1 H. j.mu. g. E. t. 1 2

Ro.Par. 9 H.4. nu. 12. 32 H. 6.mu.45.

27 H. 6.nu. 18. 27 Ph. 6. m. 26, 27) Lamb. inter leges Edw. Confessoriu, cap. 3. Ad synodes ad capitula veni-entibus, sive summoniti funt, five per se quid agen-dum habuerint, sit

fumma pax.

reheartes) month take up a inhale Wolume of it felf : certain it is, as hath been fail, that Curia Parliamenti fuis propries legibus indictit.

All the Judices of England and Barons of the Erchequer are allifants to the Lopes to inform them of the Comman lain, and thereunto are salled severally by Milit. Betther both it belong to them (as hath been said) to image of any lain of cultome, or priviledge of Parliament. And to say the truth, the lains, cultomes, interfered and articles are articles. liberties, and priveledges of Parliament are better to be learned out of the Molls of Parliament, and other necords, and by prelidents, and continuall experience, then can be expressed by any one mans pen.

Per varios actus legem experientia fecit.

Multa multo exercipamentis facilius, quam regulis percipies.

Consultations in Parliament for maintenance of the Navy. dice or places. L'becaute

Ros Par. 45 E.34 The decay of the Navy. 13767 A.3

and the dia is

la Manie

Town West.

Price E. J. Ers

rit, ceron. P. 14 t.

In many Parliaments confultations babe been han for the maintenance of the Rang of England, and remedies provided against detay of the same: as taking one example so; many. In the Parliament homen in Acros 45 B. 3, the Commons amongs their petitions to assume, that the needs of the Rang both wife by three causes. Find, so, that sandy were thing are seiled so, the thing, long hefoze they ferve, inhereby the abmers and azinen at their charges to fine their Pariners, to their undoing. Decentally, for that Perchants, the nourishers of the Many, are of treatmen in their spipping, whereby Pariners air driven to feet other traves and livings. Living, too that the Malters of the kings thips to take up Palters of other dips ar good as their felies are, whereby the most of those drips no ive Williams the Parinces enforces to feek new ittings : whereof they praped remedy. La this petition ofright the Bings Royall antwer was, That he : for if the thing count great a Charles of exchange shivers bluow

The Kings Navy exceeds all others.

The Lines Solv exceeds all others in the morte forthreethings, via beaucy, frength, and fafety: Fozibenuty, they are is many Mopall Ballaces : for firengri (no part of the mozil having from Iron and Cintier as England harb) (o many moving Caffies and Barbicans 2 And for fakey, they are the motid elemine walls of the Realm. Among the hips of other Mations, they are the Lions among tilly Beatly, or Falcons among the fourth different in the reign of Ausen Clinabeth (I they being acquainter with building other hours 20 before Manager to this being acquainter with building their being acquainter with the fallows.

nelle.) there were 33 besides Pinnaces 4. which so guarded and regarded the Ha-nigation of the Petchants, as they had safe bent for their Commodities, and Lyane and Lrassich slourished. A trouble Dubject soy Parliaments to take into confideration, and to provide remedy as often as need thall require. For Paviga-tion, lee Gen. 6. 14. Sepient 14: 6. Remp. quafinavem existimare debemus, que omnium manibus officioq, indiger, &c. A leab in a Dhinis timely to be repaired: Fozas it is in the naturallibody of Dan, withis in the politick body of the Commonwealth, blon morbus in plerifque, fed morbi neglects curatio corpus interficies And thus much the confuttations in Parliament concerning the I Many of England.

* Patricius, lib. De inftitutione Reipublica.

Of the Burgeffes of

About 300 Sef-

mene fince the Conquest,

919 910 2 .72 5

Carlindo L

. 10 A .-

Parliament.

Dee the First part of the Institutes, Sedt. 164 Verb. [Veigne les Burgeffes al Parliament.] And there have been fince the Conquell about 300 Bellions of Barliament, tohere sivere are not printed, a med me

In peruling over the Kolls of Parliament we find, Kirk, vivers Ads of Parliament in print that are not of Meccon in the Moll of Parliament. Secondly, many Acts of Parliament that he in the Kolls of Parliament, and never pet printed. Thirdly, vivers Claufes mitted in the print which are in the Parliament Koll. Kontbly, more in the Parliament Koll. Kontbly, more in the Parliament hall. Sintbly, many bariances between the Print and the Moll. Sintbly, Butters we Defeat and the Moll. Sintbly, Butters we because he will be the control of the Control of the Control of the Moll. princes, ac. Debentbir mbole Parlinments amittet out of the print. Cightiy,

And of every of these taking some examples; for to handle all at large would require and the Presumb (esten)

require a whole Areatile, which (we having broken the Ice) some good manand lines of his Country (we hope) will undertake to inside thorow.

As to the first, Ahese are in print and not of Mercyo. * 20 E. 3, the nath of the To the first.

Images. 27 E. 3. cap. 4, 5, 6, 7, 8. concerning the Amager and Salcoign Wings. * See the third are in a cap. 7, touching after vessell, 37 E. 3, cap. 19, of Bathase 2 R. 2, cap. 3, of parcof the Institutes. De compte Deina. Vid. 11 R. 2. 11, 2 R. 2. cap. 3, of suined gifts. 7 R. 3. cap. 15, against guice. maintenance. 9. R. 2. cap. 3. of expour and attaint. 12. R. 2. cap. 15. & 6. not of second. 13. R. 2. cap. 11. touching Cloaths. 13. R. 2. cap. 10. concerning Malmons.
13. R. 2. cap. 2. touching Milgrims. 13. R. 2. cap. 15. concerning the Mings Ca-Alex and Poals. 14 R. 2. cap. 7. concerning Linne. 17 R. 2. cap. 8. seanlainfull Milemblies. 17 R. 2. cap. 9. concerning Balmons. 37 H. 6. cap. 3. touching im-

plopments, ec.

As to the tecond: These Acts of Parliament are of Mecash, and not in print. To the second.

As, I E. 3. the creation of the D. of Cornwall, as, by authority of Parliament. See the Princes

3 R. 2. no. 39. concerning Justices of Beace, a profitable law to them. 8 R. 2. nu. 31. concerning the juriloidion of the Confable a Parthall. 20 R. 2. concerning the legitimation of the chileren of John of Gaupe D. of Lanc. by kath; Swinford, 5 H.4. nu, 24. a Commiffion of Act of Parliament for arraping o muffering of men. 8 H. 4. nu. 12. Clergy exempted from arraping and muffering of men. Ir H. 4. nu. 28. againft Wziberp and Wzebage in great Officers Junges. ec. 11 H. 4. ob. 63. coucerning Attorneys, et. 6H. 6. nu. 37. that a Queen of England Dowager, hall not contrad ber felf or marry without the Rings licente, 9 H. 6. no. 25. concerning fees of Dzivy Councellogs, and other beat Officers. And bery

As to the thice : In these Asts of Parliament, pivers clauses are omitted out of To the third. the print, which are in the Parliament Roll. 36. E. 3. cap. 3. in the Ac of Purvepogs, in the clause of the penalty, the Diemard, Areafurer, and Controller are expectly named, but omitted in the print a Ras. Rat. a, capan in confirmation of liberties, ge. laving the mings regulity is omitted, 13 Rearrap 1. concerning presentations of the king, the last clause, concerning ratifications of the king, is omitted, 13 R. 2, cap. 2, touching providence at R. 2, cap. 4, 100. 9. concerning Megratozs of Mools, high prices omitted in the print. 17 R. 2 cap.4. of Mait, lesbeth out Hertfordshire, a H. g. cap. g. nu. 38, concerning enquells, a H. g.cap. 1. AN 30 concerning Juffices of years. 9 H. 4 cap & au-43 . concerning providious & H. 6. pu. 30. cap. 10. concerning process puring the kings will, amitee in the print. To the fourth.

As to the fourth : In these there is moze in the print then in the Mecoro, o H. 4.

As to the fourth: In these there is more in the print when in the mecazo, one, cap. 8. no. 43. touching provisions. 2 H.s. Aut. 2. cap. 3. no. 3 8. touching Aurors, oc.

The fifth: In these the print warp from the Mesord in some material thing. To the sick merally in all the statutes made concerning provisions, or other the udurpations of the Pope, the bitting and bitter mords are less out in the print. An to take an example or choo. Vid. 38. E. 2 in print. cap. 1, 2, 3, 4, and in the Moll, no. 9, dra. 3 R. 2. cap. 3. in print. Rol. no. 3.7. &c. the Wishops being Lard Chancellors, 19 R. 2. no. 1. the print misses the beginning of the Parliament, viz. the Gonday after Mt. Luke, for Friday 9 H.4. cap. 2. ou. 26. concerning Arthorises, a. A. will of Parliament intituled 14 E.4. where it hould be 13 E.4. 9 H.5. cap. 2. dr. 3. grinted as perpetual in some Books, where they were to endure but untill the next Barliament.

fome Books, where they were to endure but untill the nert Barliament.

The firt : Statutes pectended to be enacted, and after vilaffirmed, and pet pein. To the fixth. ted. 5 R.2. cap. s.flat. 2 touching inquiries of Derelles. An. 6 R.2. nu. 52. bilaffirmed by the Commons, for that they protested it was never their meaning to be fullifien, and to bind themlelbes and their lucceffogs to the Pelats, no moze then their anceftozs had bone befoze them. Robert Brabroke Bifbon of London mas then Logo Chancelloz. By this and that which follows, it appeareth bom necessary it was in these days to have some of the Commons to be (as bath been mid) at the ingroffing of the Parliament Holls, as appeareth Rot. Par. An.6 H.4.nu. 96.7 H. 4 nu. 65 &c. & Modo tenend. Parl. cap. 8. 2 H 4. cap. 15. difabolued by the Com. Rot. Par riff. 4 mong, and pet the pretended Art printed 2 H.s. cap. 6. against Breachers, dilabors. m. 12. vide ed the next Parliament by the Commons, for that they never affenced and pet the 7 H.4.nu. rr. fuppofed Act printed.

Litatari of

To the feventh.

Toules fift. orde the one -ingleditonis eten the fortunte The leventh: authole Parliaments omitteb out of the print, wherein there be many notable things to be observed. An. 3 E.z. a Parliament holden at Westm. 3 Sept. Dorf. Claus. 2 E. 2. m. 14. & 22. An. 4 E. 2. apud London. 5 E. 2. apud Westm. 6 E. 2. ib. bs. 7 E. 2. ib. 8. E. 2. apud Eborum. 11 E. 1. apud Westm. 16 E. 2. apud Rippon, & poster apud Eborum. An. 6 E. 3. a Parliament halven at Westminiter the monday after the feath of . Gregory, Anno 8. E. 3. a Parliament botten at York the day before the feath of . Peter in Cathedra Anno 17 E. 3. af Welten whereat the Prince map creates Dune of Cornwall, gt. Ann. 13 E 3. belbewat Weltm. in 15 Mich, 22 E, 3. at Weltm. the Panbay next after the meek in the mioft of Lent. 29 E. 3. a Parliament holden at Wenm. the Day after Saint Martin, 40 E. 3, at Weltm. the Wonday after the fuvention of the Crois. 7 R. 2. at

To the eighth.

Where the Printed book, Suppose that there was anothe Parlia ment in Anno 15 E.3. whereby the former ftature was repea-Jed, the enigh is, the Parlf ment was holden at westm. 19 Pasch. Anna 17 E 3. b Histories fometime explain Records of Parliamenr. c Ror, Parl. 10 H.6.nu.14.

This appeareth llament, nu.tg.

Parliaments in In Ireland.

walls ille T

Wellm. the Frigar after the feat of D. Mark, &c.

The eighth : whole Barliaments repealed and made boid by fublequent Parliaments. 1 H 4, cap. 3. repealed 21 R. 2. which had repealed the Parliament of II R. a. and revivety the lame. 189 39 H. 6, cap. I. a Parliament holden at Coven'ry Anno 38 H. 6. is wholly repealed. Ror. Par. 12 E. 4: nu. A whole Warliament bolben Anne 40 H. 6. & readeptionis regni fui primo, is repealed, and revertes, Vide the Parliament of 15 E 3. repented Rot, Parl, Anno 17 E. 3.nu. 23." For there te is agreed that the fatute of 15 E. 3. Chall be utterly repealed, and lofe the name of a flatute, as contrary to the laws and prerogative : and for that fome Articles there made are reasonable, if is agreed, that such Articles and others agreed in this Parliament hall be made into a Catute by the advice of the Juftices.

b Many Mecords of Parciament can hardly be understood, unlesse you forne theceunto the Dillogy of that time. For erample t " The Carbinall of Winche-Rer, Whele to the Ming, beclareth in open Parliament, that he being in Flanders, in his fournep to Rome, returned back of his own will to purge himfelf of a bruit. that be fould be a Eraptor to the Mealin, wherest (no acculation beine againt bim) be was early purged by the Duke of Gloc. Pootean by the Bines commandement. But abbe the Viltory thereunto, that the Carbinall babing certain of the Bings jewells in gage meant to have them brought after bim : but thefe I well being acetted and fraped at Sandwich by the Mings commandement, and the bruft becent comming to the Cardinals ear (he being therewith exceedingly troubled) for the exceptery of them, returned in poll to the Parliament. Roto after he was purged of the bruit of supposed treason; touching the fair Actuels Eapen at Sandwich to the great himserance of the Carolinall, as he complained; It was on a motion on his behalf, orvered that the Cardinall thould pay to the Ring Dir thouland pound more for them, and lend to the Ring thirteen thouland pound, which tone bone.

Anvito; a conclution hereof, and of this Chapter of the Digh Court of Parliament, it is to be remembred, that by the Atatute of 42 E. 3, cap. 1. all Statutes

are repealed that are against Magna Carta, oz Carta de Foresta.

francier procedure to another bein moneyage of a nation.

a his de die de Modor einera Peistere. E. all a con ... vistousier in the Cons. Roy or reflie reads, and the preference Arthour of the cop of a study seemed. . Defended on the vide of the copy of

Dec hereafter cap 75 how and in what manner Parliaments be bolden in Scotland, And cap 77 bom and in what manner Parliaments be bolden in Ireland, and bom Wills hall patte there, never befoge this time publifeed, as we distributed the County of know. Let et example a consequence of the first of a consequence of an extension of the party printer.

tell y Roston golden med ming minister of Percentes And Region of a sile france

on and a bigacomic as the body of the true to the Parket as manner then there mail: assimubno 130 goz (g. szlotoka il a zeloza mieża o 6 ag ando cod a

entiding a fler perty meating they observed they Per And H. 4, no. 56.71 ft

that the same grade in a secretary at the wellow the rest to the second of the second CAP. Silva (characticas of) of a antene the will a mail only endered with a large

fragging to a golden by

becough our connects the king to refe here and any och in belleumion of the groun people, again the topin of Magni East, have in their cash sounds thought have

reace, and of good men, and gunidenched coull; was turned to the difference of the accas men, and descuction of the propie . Courties, that they falled and ma-

nioved was within the free line, to the befruition of Policy Courts and of corner of Of the Councell Board, or Table.

and his Wing Councell in the mings Court of Balace : + Mith this Councell the Bing himlelf outh fu etbis picalure. ... Thele Countellors, a Roc Clauf. like good Centinela and Matelmen, confute of and log the publique : 1 E. 3. parce 2. good, and the honour, defence, fafety, and profit of the Mealin. A confulendo fe- m. 19.39 E. 3. cundum excellentiam, it is callen the Councell Sable of Boinate caufes, left fo. ra. Roc. Par. they would hinder the publique, they leave to the Addices of the Bings Courts 18.2 pared and they would hinder the publique, they leave to the Addices of the Bings Courts 18.2 pared and they would be a series private m. 16.3. In the case of the Bings Courts 18.2 pared and they would be a series private m. 16.3. In the case of the Bings Courts 18.2 pared and they would be a series before the public they would be a series before the public they would be a series before the series and they would be a series before the series and they would be a series before the series and they would be a series before the series and they would be a series before the series and they would be a series before the series and they would be a series before the series and they would be a series and the series are a ser of Juffice and meddle not with them a they are called Concilium ergis privatum, nu.76.80. concilium fecretum, & continuem confilien regis de number of them is Rot Pas-to-H. Se at the Bings will, but of ancient time there inere thelbe or thereabouts. Df nu The or o pA the divertity of the Bings feberall Countells, you may read in the First part of b Probond Publico. che foitifutes (Seit; 164a aidige dierraque sollennue D gaiget a de groe adit a

hing E. 4. would have his Connections to have four properties. 1. Abat he he parcus fui, knowing that be would never be provident to him, that would not be a good husband for himlelf. 2. That he thouse not the cupidus red aliences to the descriptions, less giveny mans, the et military, cin mini funci got that he findle he avarus reignolicies coverous tog the mings creature and Common wealthe and That he liber omnis lio experies 5 min what place the mangapati complete bent that he be expect; for great Dices; are never woll managed by Deputy, where the Officer himfelf is but a Cipber!

Lo thete Conncellogs all que Bonour and Movereneo is to be ufuen, for Gep are Scantize B. . . incorporated to the ming himself and best part of his cares, they are his true Senatores fues and Treaturers, and the profitable Infiriments of the State. Such Comour was given regis. to Counsellogs of State in ancient time, 'that if one did ftrike in a Benames of Rot. Par. 3 H & Counsellogs boule, og elle tohere in his prefence he mas fines. Indiana de nu. 31.

Der Ver. Mag. Cart. fol. 3 1.21 parte Hugh Spencer the Fathet, Logo Spencer e Inas cap 46.

Carl of Wincheffer, and the mings Chamberlain, and Plogd his Son Barl of Alveredus c. 15. Gloc' were adjudged in Parliament to be exiled, oc. amongst other Articles, the father, and fix there, First, for that they by their entil coom route not luffer the Syanders Hugh the fi of the Mealmy not the mings good Councellogs to them with or come hear the evill Councell-King, or to give him good Councell, be that the King might theat with them, but lors. only in the prefence or hearing of the fair Hugh the father, and Hugh the for or of one of them, and at their will, and according to fuch things morteuled theme De. condly for giving evill counsel to the ming notice andwer the potitions of the great men and others, but at their pleasure. Thirdly, that they, to attain by their matite and coverous to the differitance of the great men's the Measur, and vestings. on of the people, put out good and Covenable Pinisters, which has their plates by affent, and put in others, faite and evill of their cobin, that they fould not caufe right to be done and Sheriffes, Cichentojs il Conllablem of Calles and others in the Offices of the Ming, not coverable for the Ming, nor for the people they bid make, and cauted Justices to be made not Conclude in the laws of the land, to hear and betermine things touching the great men and near ple of the Realm, ec. and to, that which ought to be for the maintenance of the

Magna Carta.

peace, and of good men, and punishment of evill, was turned to the disperitance of the great men, and believation of the people. Fourthly, that they fallely and maliciously did councell the king to raise hogse and arms at in destruction of the good people, against the form of Magna Carra, and to by their evill countell would have moved war within the Realm, to the destruction of Holy Church and of the people, for their proper quarrell. If fishly, the deserting by their emits Countell that which the king had granted in his Partiament by his good Countel, by the affent of the Peers of the Land, to the dishonour of the king, and against right and reason. Distilly, they would not disease king the take reasonable sines, upon after nations, etc. Read they bold not against and at Illumina Google and and the

Dereby it appealeth that our artho out if ihr the fole Cannelloze, and to make a Good of the course of the course

Honer.
See the Articles
against Cardinal
voiles, hereafter
eap Chancerype
Art. 9.10.15.
"Utilis fed aon
folus.
a Rot. P. 18 H. 4.
mu. 14. Note
Vid Vet. Mag.
Cart. parte 1.
fo. 165 jist amentum con filiaria-

Vide Fleta lib.

Nota, videinf.g.

1.cap.17.

RecClaufe

cunding excellentiam, if jenfol sidmo verittol ur ziveto matthib buell es, tell o refer che les de colire de colire

of Hull see and mestel themes supered to that story a strate bastel sur Hulland see and mestel sur Hulland to concident september of concident seems a concident seems and supered superior seems.

-2 Jupiter ingenium ac mulisent milita interior months and since the same and the

the discinity of the Eings school Councils, you may read that for part of the differential of the differential of the differential of the differential of the Articles of the differential differential of the differential of the

I. That he shall as far farth as cunning and discretion suffereth, truly, justly and evenly countell and addice the wing in all matters to be commoned, treated, and demeaned in the kings Countell, or by him as the kings Countellor.

2. Generally in all things that may be to the mings honour and bebook, and to the good of his Bealms, Loedbips and Aubicans, Duchout partiality, as exception of perious, not leaving, as elicition of decimal not leaving, as elicitionally topology affection, love, preed, bould, as a perious perious, and of not leaving and long the leaving of the leavi

3. That he thall keep fectet the Aings Councell, and that all hall be common used by way of councell in the fame, bottom: that he chall common it, publish it, az discover it by word, writing, az in any atherwise to any person out of the fame Councell, az to any of the fame Councells if it tauch him, az if he be party thereof.

Rot.Par. sr H.4.

by mean of any other person receive or admir for my promite of good by bins, nor for mean of any other person receive or admir for my promotion, sabouring, nor for necturing, letting, or bindring of any matter or thing to be treated or done in the said Councell, which are more interest than an area to accommod on

Nota, sup: a. 2.

Ep Shences

neficher, and

vill Counter.

5. That he thall with all his might and power bely and Arrugthen the Rings laid Councell in all that thall he thought to the fame Councell for the universal good of the Ling and his Land, and for the peace, we kind tranquility of the lamb under a hour of the lamb under the la

6. That he thall wish than any perfon or perfons of what condition, estate or negree they be of, that would be way of feat, attempt, or intend the contrary.

Toward low numbers do not his Source on the day of the day of the source low numbers do not his Source of the day of the source of the source

and of a the prefere of hearing seal agreemed aid other go at their mollermone solled and formal seasons of the collection of the supplementation of the special of the supplementation of the special of

Ret. Parig H. 6.

- No is enacted that all the Bings Councelloss and other best Officers there named and the enacted season of the Councelloss and the councelloss are there examples and the councelloss are their councelloss are the councelloss and the councelloss are the councelloss and the councelloss are the councelloss.

as in the Chapter of the Court of Star-chamber,

The the better performance of tobich outh, Ming H. 8. month with that his Countellors would commit himulation, Diffirmulation and Partiality to the Portier longs when they came to fix in Councell.

agnite di nogu trof the President of the Councell. To to to all sel sel ni .

toss sometime called Principalis confiliarius, and sometime Capitalis confiliarius.

Rot. Par. 9 E. 2. Comes Lancast' 50 E 3 : 1 R. 2. Pours. Pat. nu. 22 1 H. 6. nu. 26 Capitalis confiliarius.

27. Dux Bedf. Rot. Pat. 1 H. 6. parte 3. Dux Gloc' Rot. Pat. 1 H. 6. nu. 25 Von thall have Dux Gloc'. See Rot. Parl. 1 1 H. 6. nu. 19. Rot. Parl. 22 H. 6. Dux Eborum what we have Rot. Par. 1 3 E. 4. part 1. Johannes Russell Epistopus Rossella Lincoln' observed by one Practidens concilii. Int. Record. Curia stellat. Johannis Fisher Episcopus Ross. Praction reading, of International Conciliance of Conciliance o

Adg of Parliament naming the Presidents of the Councel, 2 114 8. cap. 20.

2 This office was neber granted but by Letters Patent's under the Oreat Seal durante beneplacito, and is bety antient? for John Billop of North wich was President of the Councel in Anno 7 Regis Johannis, Holinch, fo. 169.

Matth. Paris 2051 & Matth. Wellim: Dormivic takes hot officient regnante magna Elizabeth.

The Logo Preferent is said in the Catute of 21 H. 8. ca. 207 to be attending at H.8 ca. 202 upon the Kings most royal person, and the reason of his attendance is, for that of latter times be hath used to report to the King the passages, and the Kate of the vide Rot Pail, bullness at the Councel Lables wie 50 E. 3. Jubi supra.

Mart to the Presson of the Councell, (as more fully appeared in the Chap. Lord Privy terres Presency) stated in Councell, ac. the Lord Living Deal, who be does Seal, his bath of a Privy Countellog taketh a particular bath of the Privy Deal, who be does Seal, which considered on sour parts is I. That he, as far sorth as his cumming and so E. 3 nu. 10. defereits suffered the The oath of Reper of the Kings Privy Deal to him by his Dighnesse commissed. Deal of the Lord bing or eschewing to to do so affection, love, mad, could, ar dish Deal of my person or Privy Seal. persons. 3. Abatheshall take special regard, that he saw Privy Deal in all places where he spall obsert unto, may be in such substantial wife used and safe hept, that no person without the Kings special commandement or his affect, or motively, and the same which to the effice of the Rice. I hall observe, such or imprint any thing with the same. A Generally he shall observe, susting Privy Deal only belonger than appertaineth.

This is an effice of great fruit and skill, that he put this Deel to no grent without good warrant, not with warrant, this be against law under, or inconbenient, but that first be acquaint the, Ling therewith.

Apon the Lozd Pziby Seal are attendant four Clerks of the Pziby Seal to H. 8.ca. 11.

Sow how, and in what wice the Kings grants; writings, and traffes, thill patte
the thz: Socials, viz. the Pziby Signet, the Pziby Seal, and the Ozear Seal, and
the duties of the Clerks of the Pziby Signet, and Pziby Seal, and what his
thill be poid, and where none at all, we and many Strices encerning the patling of the Kings grants, across you may read in the Statute of 27 H. 8 a law 27 H. 8 ca. 11.
Withy of observation. And of this Act you may read L. b. 8 fo. 18.b. in the Pziptes cate. This efficer is named in the Statutes of 2 R. 2. ca. 5, and 12 R. 2. ca. 11.

* Clerk of the Pziby Seal. Impropriated 1 T. 1 H. 4. no. 28. Gorden del Privy Seal; name of a great
and in the Scatter of 24 H. 8. ca. 4. Lozd Pziby Seal. A his Seal is called by Officer, and in
feveral names. By the Statutes of 1 R. 2. cap. 10. It is provided that Letter's ed amough the
of the Higgs type Kerrer Seal Hall be from benieforth fent in Grandceff the
dammagz or pzi sidiczios the Mealm? Roy in dishrbance of the 1 to. Vide Mirri Kingdom.

ca. 3. S. Exception al power de Judge.

3d the Samue of Acticuli fupur Cartas, copi 6-128 E. r. It is critto the fittle Seethe 2. page 9
Seal, and lik w le in the Statute of 2 E. 3 cap. 8: It is to called Regifier fo. 186 of the India.
Rathum Sigitlum. 50 E. 3. nu. 185. F. N. B. 185. Heralib 18 cap. 32. S. Eft Artic sup. Cam. T in . &c. Custos privati S gill, Clerks of the Signet, Clerid Signeti ete nomed ca. 6.

See Artic. Super Cartas, ubi fupr. Lib. 8; ubi fupra.

not in print.

pealed.

F. N. B. 85. 2. in the faid Act of 27 H. S. &c. and are four in number attendant upon the Bings principal Secretary, who alwayes hart the Reeping of this Seal of Signet, for feeling of the Biggs Priby Letters : thefe four Clerks fitatabe Decreteites Board. De that defineth to read more of the duty of Briby Countelless, and bow, and for topar causes they are to be punished, if they offend, let him read the Parliement Mell afthe 50 year of E. 3. na. 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, &c. 34, 35, &cc.

9 R.a. nu. 12.and Ads of Parliament concerning the Kings Priby Counfell, 25 E. 3. cap. 4. 11 H. 4. DU. 28. flat. 4. 28 E. 3. cap. 31. 42 E. 3. cap. 3. in print. 9 R. 2. nu. 12. 11 H. 4. nu. 28. 13 H. 4. cap. 7. 3 H. 7. cap. 14. 3 E. 6. cap. 5. 21 Jac. cap. 3. concerning water 3 B. 6. ca. 5. terants of affiftance, ec. 3 Caroli cap. 1. in the Petition of right, concerning

loans, gc. impgifonment, gc. martial law, fouldiers, gc.

Die bereufter pa. in the Chapter of the Chancerp in the Articles against Cardinal Woolfey, Artic. 9, 10, 15, &c. concerning Priby Counfelless.

It appearet bby the wazits and Mecozos of Parliament, that the high Court of Parliament is relatived to be bolden by the Bing per advisamentum confilii

fui, that is, by advice of his Weiby Counfell.

Deders of Parliament for the Parity Countel, and other things concerning them in the Kolls of Parliament, 50 E. 3. np. 10.12.15.21. 34. 42 E. 3.nu. 27. Dir John Lees cafe. 1 R. 2. au. 87. 112. Rot. Pat. 1 R. 2. parte 1. m. 16. 2 R.a. flat. 1. nu. 49. Rot. Parl. 1 H.4. nu. 2. 7 H.4. nu. 31,32,33, 41,66,67,68. &c. 11 H. 4. nu. 14. 13 H.4. nu. 3. 1 H.6. nu. 30,31,32. 2 H 6. nu. 15, 16, 17. 8 H.6. nu. 27, 28. certain Articles to the number of eighten touching the exper of the mings Councell (amongst which the elebenth is, that all offices and benefices of the Mings gift, fuch as had ferbed him og his father, fould be preferred thereunto) are established by the Sting, the Bishops, and Lozds. 9 H. 6. nu. 25. 11 H. 6. nu. 19. Dir Articles, tobereof the latt was, that a Relt fould be made of fuch as at any time had ferbed in the wars, og otherwise, to the end they fould be preferred to offices and benefits. 12 H. 6. nu. 4. De intendentiis confiliariorum. 31 H. 6, nu.30. Vide Rot. Pat. 32 H. 6. parte 1. m. 22.

Acts of Councel concerning the fame. Rot. finium. 20 E. 3. m. 8. Rot. Clauf. 4 H. 4. in Dorf. m. 13. Clauf. 25 E. 3. m. 10. Pat. 19 R.2. parte 2. m. 8. Clauf. 20 E. 3. parte 1. m. 26. The Clerks of the Councel are attendants upon the there of the Privy Councel. Concerning the Clerks of the Country, fee Roc. Parl. Anno 1 H. 6. nu. 32. 2 H.6. nu. 17, &c.

Of their Mas of Parliament, orders in Parliament, and Ads of Councell me have referred you (for abording of tedfonfnelle) to the originals. Qui ambulat frandulenter revelat arcana, qui autem fidelis est celat, &c.

Bonum est abscondere sacramentum regis, opera autem Dei revelare honori.

ficum Nibil magis optandum, quam ut rerum gerendarum confilia, quoad ejus fieri

poterit, quam maxime occulta fint.

Eximia est virtus prastare filentia rebus. As contra gravior culpa tacenda loqui.

Vegetius lib. 3: de re militar is

Prov. 11. 13.

Tobit 18. 7.

Regulz. Ovid.

Valerius lib. 4.

Nulla funt meliora confilia, quam que ignoraverit adversarius antequam facias, &c. Quid fieri debeat, tractato cum multis; quid facturus fis, cum paucifiimis ac fideliffmis,&cc. Confilia nifi fint abscondita, exitum raro prospiciunt.

Erasmus in Epift. Curtius.

Confilia callida & andacia prima fronte lata, tractatu dura, eventu triftia. In confiliario imprimis requiritur temperantia, quia * novandis, quam gerendis rebus aptiora ingenia illa ignes. And it is certain that men of flery and furious fpirits ealily become factious.

Pline:

In confiliario Principis tria maxime requiruntur, libertas, fides, & veritas: libertas confilii est ejus vita & effentia, qua ere pta, confilium evanescit.

Tatitus.

Privatæ res semper offecere, officientque publicis confiliis, pessimum veri affe-Aus & judicii venenum fuz cuique utilitas.

Tu

Tu civem patremque geris, tu confule cunctis; Non tibi, nec tua te moveant, sed publica vota,

All which, and much moze are comprehended within the oath abobelaid.

Some rules of Countel, which in Countel to habe oblerved, we will abbe. + Book of Judg. First, that it is lafell to gibe a king counter, when he demandeth it. Decondly, 19. ver, ukimo, the truest and best counsel is ever given to a king, when the question is so Consider, consensely propounded, as the Counseller knoweth not which was the King him side of continuous proposers; for the King him side of continuous states and the second countries should never be best as before desiration from the continuous states and the continuous states and the continuous states are second to continuous states and the continuous states are second to continuous states and the continuous states are second to continuous states and the continuous states are second to continuous states and the continuous states are second to continuous states and the continuous states are second to continuous states and the continuous states are second to continuous states and the continuous states are second to continuous states and the continuous states are second to co Fourthly, when upon debate, and beliberation it is buthe Councel Lable well gradu, fed in una refolved, the change thereof upon come petbate information is neither cafe nor via, non femicar, become the after refolution is interested to be belong the fed apraise for refolution is interested. bonourable, b nog that after retolution timely execution be delayed. Fifthly, it is b Saluft Priufpontourature, most that after remarked the greation is detarted with a test, no extail a quam incipiar, thould rely upon them, but that thereby the flate of the question may be well interest consuler, may be plenarily, and fully proposition to the thouse consuler manual. Directly, good counsel is the foul of the Prace. Described to the thouse consuler manuer facto opus fellogs do hide or disguise the truth, it is full of danger, both to the using unit to fix H. 4. nu. 14. themlelbes. Gightly, biolent courtes are like to bat waters that may be good in d Malum confian extremity, but the use of them both spoil the Romach, adult will require them lium consultori an extremity, but the ute of them ooth thou the woman, and it will leften their own operation. Rot. Clauf. 18 Laftly, fuch fear as both not fall, in confishem virum, is an enemy to good coun- H. 3. nu. 19. fel : for what is fear, but a betraping of fuch fuccours, as reafon (and countell) Segraves cafe. fould afford ?

320 Lord of Parliament takes any place of precedency in respect be is a Priby Counsellour. But under that begrie fuch place a Driby Counsellog thall . Sap. it. take, as is fer damy in ferie ordinum tempore let pr. hert utter remembred in

the Chapter of Precedency.

incitaled, Flacita Corona coram Thom. Duce IV. Seme challo Anglica

I La fiele ja Se cefchailms Anglier. Athie Office in hert antilere, de & fras before the Concord. Ing 3 read in an anerencond ausbenen el Boang. . fript, intruite & Authorias Senelchalli Argine : tubere puriting an etample of his authority, feeth : Successible Codmino's cance Kanese comporere-Now, then a vers Edward anterefferis Willishui Ducis Normandur, pro bujutned male getus Judg of the of the State (per Sinefealtum Anglie) adjudicates & toristeen (timeleans fuam.

An ibs time of the Conqueror, William Fire Luftace was Section of Erg-Cuft de pioren, land. And in the toun of William Rolls and H. r. Hagh Grantlemenel Bearin

of Highley beld that Berrony by the fait Office.

Differei inte this Office was of other names, and appertained to the Early dense of the fait of Leveller, or it also appeared by the fait accord: Senet, bales dense of the fait accord: periliner ad Comitiva de Leicefter, & gertinnit ab annequo. Char in, that the Cartdom of Leucefter, twee holicen by being of the office of Bertago of England, Diber Recorde teftified ibat it fonth befong en ibe Marany er beibler. Altg truth is, that Hinkley has parcel or the positifiene el the Ceil or Leichter, for Kobert Bellomont Cart of Leiceller in the return of H. 2. marten talet Derres al daughter and beir of the fath High Grandeminel Bernn of Hinkley, stie Leed Pretvaro of England, suo in ber right was Brewerd of England. England t Rot. Pai, at it continued, until by the forfeiture of Smon Methodold to come to Stag H. ?. Inter placing co. What in the 50 pear of his reign, exected Edmond his trees for Control Leich Inter places of fier, Beron of Hinkley, sud Bigt Deluerd of angland, white community come Delay of Common the Common the Common Delay of the Aline until Henry of Bulliobracke | for this being follows Grane Delay of Land and Bail Lancetter and Carlor Leicefter, who then the last theiling any effety of inhere st Les ??. tauce in the abites of re Breward of England. Burde babied eine fe man neber granted to any Subjer, but only has vice. And the country as for there the Thurida.

Rot.Par. 50 E 3. nu. 34. Segnjor

C His Seile.

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rem patternatue geris, en confige cuach se

the renew and resture miel is ever given is a Atieg. when the quee Of the Rower and Authority of the Protector and Defender of the Realm and Church of England ther stand lande dring the Kings tender 38 hade neut follow the first volt of the first of the f

benourable, "nut that excerefolied of timely execution be depro. Timply, it is a solod. Prof. and and and a Bos Perhanno 1 Histony, 26 & 27 4 H. 6. no. 16. 6 H. 6. no. 22,21. 24.8 H.a.nu. 13. 11 H.a.nu. 19. 32 Hoffind 71. where you thall find bis authorist, place, and precedency, well ergrense and be within. The fureft man is to babe bim made by sutherity of the Creat Councel in truth, it is full of benger, both to reatusmaine

And til See Hollinfbede Chronicte, pas 1069. Which may give you etcallon to tearch fog the Mecoron of fuch Protemors as are there reheatled. A runger and fronger, and oplifile and firele they will festen their ober operation.

184 : for bight is fear, " but a bereaving of fuch fuccours, so reason (and counsell) For Lot of Barticulous ratherno Mark in Preference in respect to is a pop ... - Segment

The Court of the High Steward of England. intituled, Placita Corona coram Thom. Duce N. Seneschallo Anglia.

His Stile. The antiquity of bis Office.

1 H. 4. I. 13 H. 8. 13. Cuft. de Norm. cap.10.

Is file is Seneschallus Anglia. This Office is bery ancient, and was befoze the Conquell. Foz I read in an ancient and authentical Manufeript, intituled Authoritas Senefchalli Angliz : where putting an erample of his authozity, faith : Sicur accidit Godwino Comiti Kanciæ tempore re-Note, then a gis Edwardi antecefforis Willielmi Ducis Normandiz pro bujufmodi male geftis Judg of the Peers & confiliis suis (per Senescallum Anglia) adjudicatus & forisfecit Comitivam of the Realm. suam.

> In the time of the Conqueroz William Fitz-Euflace was Stemard of England. And in the reign of William Rufus and H. r. Hugh Grantfemenel Baron of Hinkley belo that Barony by the faid Diffice.

> Prancient time this Office was of inbaritance, and appertained to the Carlboth of Leicester, as it also appeareth by the laid Mecozo : Seneschalcia Anglia pertinet ad Comitiva de Leicester, & pertinuit ab antiquo. That is, that the Cart. dom of Leicester, was bolden by doing of the office of Steward of England. Diber Recozds tellified that it fould belong to the Barony of Hinkley. The truth is, that Hinkley was parcel of the postesions of the Garl of Leicester, for Robert Bellomont Carl of Leicefter in the reign of H.2. maried with Petronil daughter and beir of the faid Hugh Grantfemenel Baron of Hinkley, and Logo Steward of England, and in ber right was Steward of England. And fo it continued, until by the forfeiture of Simon Montford it came to Bing H. 3. who in the 50 year of his reign, created Edinand his fitand fon Garl of Leicefter, Baron of Hinkley, and Digh Steward of England, which continued in bis Line untill Henry of Bullinbrooke + fon and heir of John of Gaunt Duke of Lancafter and Carl of Leicefter, who was the lat that had any effate of inberitance in the office of the Dreward of England. Since which time it was neber granted to any Subjed, but only hac vice. And the reason was, for that the power

† Rot. Par. 28 R. 2. nu. 4. Inter placito coronz John of Gaunt Duke of Lanc. and Earl of Leicefter, Seeward of Engtand,

The Courses the High Seeward of Engl.

to the in any patients of England was to transcendent, that it was not helden the authority of the in any patients hands : for the fall steed thirth, Et Teleman est aud has use therefore of the fall of the country of the fall of the country of the fall of the country of the c pacis & guerrarum,&c. and procedeth particularly with vivers erceving Bigh H.8 c. I. concerpotoers and Muther lifes, which may well be duritted, betante they farbe for no ning the placing

And albeit their power and authority have ten fince the reign of H. 4, but hac vice, pet is that hac vice limited and appointed. As when a Logo of Barlia. flom. of Norm. ment is d indited of treaton og felong, then the grant of this Diffice under the cap. 10. fc. 17. Ozeat Seal in to a Lozd of Parliament, reciting the Insidment, . Nos confide- Holinth Chron. rantes quod justitia est artus excellens & Altistimo complacens, eaque præ omnibus uti volentes, ac pro eo quod officium Seneschalli Anglia, cu jus prasentia pro (hae vice) limiadministratione justitia & executione e justem in hac parte facien' requiritur, ut ted accepimus, jam vacat : De fidelitate, ftrenuitate, provida circumspectione, & indu- d Scethe second fria vestris plurimum considertes ordinavimus de constituimus vos ex mar cansa parcos the Instria vestris plurimum considertes ordinavimus de constituimus vos ex mar cansa parcos the Instria vestris Seneraliama nostrum Anglaz ad officiam islud cum omnibra eidem ofCart. cap. 29. ficio in hac parte debitis & partineffibus hac vice gerend accipient' & exer- 1 H. 4 cap. 1. cend', fances & concedentes vobis tenore præsentium plenam & sufficientem e He is sole Judg poteffatem & authoritatem, as mandatum feliale fild Samentum prædict. &c. by the Commo Do that it appeareth, that this great Officer is wholly refirained to proceed only law, & can make upon the recited indiament. And he to whom this Office is granted, must be a f Stand, pt cor.
Lozd of Parliament, and his proceeding is to de Tocondum leges & confict dis 152.1 H.4.67.1.

mes Angliæ, foz to is his Committion. And hereof but may read theze at large in 13 H s. fd. ret.
the third part of the Inflitures cap. High Treafon. A Alfo at there Coordinates by His rules
bath a Commission under the Great Stal lac vice, to hear any determine the authority.

Claimes foz grant Series and other honourable recorded to be done in the Cozonation for the folemnization thereof: for which purpose to be done at the Cozonation for the Court some convenient time before the Cozonation. Det a present hereof of England; (who in Claymen before the Cozonation. Det a present hereof of England; (who in Claymen before thin was tilly Freshoristable from the England; (who in Claymen before thin was tilly Freshoristable for England; (who in Claymen before thin was tilly Freshoristable for many tilly the Court for the England; (who in Claymen before the Cozonation of the Court for the Cozonation of the Cozonatio the was Thomas his ferond County and upon the arraignment of John Holland and other who carl of Huntingdon, the first that was created Diemsto of Emgrand had viet affirm that he was behealed an was behealed an all Roce Park, 34 Had any 49 Thomas Court her Carl of De von that arraigned of Pely in Pierby, and the Comments of the Comme

Digh Areaton befoze Humphrey Dube of Glie hae vice stendard be england, de era and arquitted am to was the word Ducres of the Roget atraffities of Bigh Prerm Pick.

tenhen be firteth by fozee of his Office, be firtety miber a Clother effere, him Report and factor of the Brook of the factor of the Logh High the state of England. The first of the fall John of Gaunchigh Johannes finds:

Regis Anglia, Rev Legions & Chiefler, Durk Afficance & Landaffre, Comes Derbier, Limölnie de Leiceltrige. Innochulles Anglie. And in felpen file höher bied bei beiter bei beiter bei beiter bei beiter bei beiter b

Tot the Etymelogie and Aguitteation of Establica Jie the fire pare delle 302

b Herewith agreeh the Cu-

Firft part of the Inftitutes : And though it bath feberal deribations , pet as being applied to antic Sen. 78. England, it is properly beribet from Sen, that is, Auflice, and Schale, that is, Wibernour oz Diticer, that is, Przfectus fen officiarius julticia. And this agreth well with his authority and outp to proced (as bath been faid) fecundum legis &c confuetudines Angliz.

It is to be obterbed, that as the Bers of the Mesim that be Triogs og Bers, are not (wogn, fo the Lago Premaro being Audge, oc. is not (wogn, pet quaft be according to his Letters Patents to procted fecundum legem & confuerudi-

vice, yet in that but vice litting with mignitud. The sign at , silgah man

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o gentre k ging ad kulan. Lobben Provide koup of organ estica ay ilu apd 10 km/t aper tagrat areg Ca A Provide kases se allui suom diagnos ercepened loss sourt De nachgated

ment is a insoited of receion at felone, then the print of this Office more, the

The Honourable Court of Star-Chamber, Corum Rege & Concilio suo; Of ancient time, anstoned let & didentiq Coram Rege in Camera, &c. multin so rout thing

That it is an eminent . Court proved

m. 13. fallehood.

rafing of a

Record. d Ror, clauf. 43 dev. le councel.

Rot clauf 41 E. 3. Cambd. Brit. 130. f Roc. clauf. 16 R. zein dorf, m.

nerio de Fifher-10.6 ···

Koc, clauf. 17

So that it copearers, therefor great Wolfer is to both tell sinch to process only appears only T 32 the 28 year of the reign of E. 3. it appeareth, that the retorns Coram nobs are in the manners. Coram nobis in Camera (which, it is faits was afterwards calles Camera Scellata;) 2. Coram nobis ubicunque fuerimus in 0 by Records & Anglia, bibich is the Bings Benth : and Coram nobisin Cancellaria. And of all Afte of Par- the Digb and Bonourable Courte of Judice, this ought to be kept within his a 22 Lib. aff, pl. Doper bounds and jurifoiction.

5 3n 38 E. 3. coram Rege & Concilio, John Redland complained of Robert BRotspat. 1. part Spinke for beltherp of prifoners upon talle fuggeftien made to the Bing : upon bearing the cause, the detendant was acquired, the plaintiff imprifoned.

Frand and in In 39 E. 3. Ralph Brantingham one of the Chamberlains of the Crebenuer complained befoze the Bing and his Councel of Richard Cellerfield Clerk De Rec.par. 1. part putp of the Bings Arcafurer, in the receipt, faz dibers allowances, papments, et. unduly made, and for rating of Mecords, ac. Whon the hearing of the cause by the Fal fhood in mhole Councel, the befendant was acquitted, and the plaintiff remobed from bis an Officer and office, and committed to prilat.

d The Abbot de Bruera, Ragge bis Wonk fentenced coram Rege & Concilio, for rating of Letters Patents, and inferring other words : and the

E. 3.m. 8 in der. Metters Watente by fentence caucelleb.

Wid Rot. par, in the mide of Nicholas Awdeley plaintiff, against Jane Awdeley defendant, Comera Stellata, tobo appeared befoge the Bings Councel, viz. the Chancellour, Treaturer, Aufor rating. Aices, and others affembled En la Chamber, des Effoiels pres de la Receits.

I fuit depending befoze the Ring and Councel bestren the Abbot of Bains Auften of Canterbury and others concerning Merche, et. The Athor brong his action at the Common law against the parties, who being thereupon/arrefled and imprisoned, the Sheriff was commanded by the Kings West to deliver them, and to forbear to ferbe app other Brocet againft them, and the reafon R. 2-in dorf. m. there pieloed is notable. Quia non est juri conforum, aut honestum, quod aliquis g Par. 6 H. s. a. de his qua coramino bis & concilio postro in discussione pendent, alibi inde intecon imile Anno sim placitari debeat ant apparere.

a A fuit depending befoze the ming and his Councel, between W.G. of the one part, and H.S. of the other part: a hoquestration is ordered for the preferbation of the things in question.

In 17 H. 6. an involment of a confession of John Ford of Lon. Wercer before the Lord Areafurer and others of the Mings Councel in the Star Chamber for

the fraudulent packing and transpozing of Mol, with a Wzit to the Phaise

of London to fet bim on the Willozy.

The Abbot of Workminfter exhibited his Bill to the Ring against the Die Annuay H. s. riffs of London for arrefting and brawing out with torce a privileged perfon Trin. in alia.
out of the Manduary of D. Marrins le grand belonging to the fait Abbay : which Dier. Manuferipe mattet after due negeebings being beard in the Court of Star-chamber befoge not imprimed the Lords and others of the Bings Councel, and Hodey and Newton Chief Infices, which Aultices determining, that by law the parcy bught to enjoy the pribiledge of Sanduary, the Sheriffe were griebonly fined in the Star-chamer by particular name : which tentence the Luzd Dier, as be but reported under his own band, fato upon a reference to fim and Julice Sarticoce out of the car-chemter, Trin. 1.1 Regina Eliz. concerning the Sanduate of Welles, for Hampton and Whiteacres being in for bebt. And the Logo Dier made this Bate with his own hand. Nota, pur le Star-chamber. And this is a notable prof of the Burifoldion of the Court for fining, ec. That the Bill was exhibited to the wing, and that the two Chief Intities then did fir, and were Judges (amongt others) in that Court.

For dibers Rives, Ertortions, opprettions, and griebous offences by olbers Suc. de 31 H. 4 perfons done against the Bings peace and lawes, to divers of his liege people, cap. 2 commandement bath been giben by the Bings Willis under the Breat Bent Vide Ror. Parl. (which continue until this day) to appear befoge the Bing in the Chancery, og 1 H. 6. nu. 41. before bim and his Councel at certain dayes to animer to the pramities, which commandement bath been many times disobeyed. Provision is made by that Ad for the punishment of fuch disobedience, as by that Aid appeareth. True it is, that this Ad was but remperary, pet it affirmed to much as before hath bein faid.

Anno 35 H. 6. a Watt of Certiorari mas sireded : Thoma Kent Clerico Con- Exbundello brecilii: Volentes certis de causis certiorari super tenorem cujusdam Actus Pasch, vium Regis. ultime præterito apud Westm. in camera stellata concernen Johannem Ducem 35 H. 6. Norff. And the there proces of rebellion againft the faid Duke.

Robert Davers a Counteflog at law by bill exhibited to the Ming. of. for defa. Rot. cl. 21 H, 6. mation of razing a Mecoed. And the faid Robert by the Mings Councel in Came-

ra fellata was acquited, and John Broker that made the ragure fentenced. The Kings Councell assembled in the Ptar-chamber. The Lord Cromwels Rot, clauf. 28 He cafe.

An order in the Star-chamber for the Duke of Yorks Countell to habe accels Rot. pat. 32 H.6. to him, because called into the Chamber by Priby Seal, oc.

An exemplification of a complaint by Richard Heron against John Prout, Par. 3E 4. part 16 Coram rege & confiliariis suis in Camera stellara, for a great mistosmeanour concerning Walols.

Anno 8 E. 4. proceeding by English bill, antiper, replication, etc. Coram Rege Rot, petic. 2 E. 4. & Concilio.

Anno 20 E. 4. a fentence in the Star chamber for turbulent and undue elefie Roc. pariso E4: ons between the Abbot of Bury and the inhabitants.

wie babe omitted many other Mecozds, but because they be of like nature, ine habe contented our felf with thete. And now we will confult with our son cafes and Reports of law : wherein either coram Rege & Concilio, or coram Rege & concilio in camera ftellata, is named.

39 E.3.fo.14. 19 aff. pl.1. 40 aff.38. 13 E.4.9. in camera ftellata, Vid. 27 E.3. Book cufet cap.13.21 E.4.71.in camera ftellata. 2R.3.fo.2.8: 11. in camera ftellata. 1 H.7.3. and Reports in camera ftellata. This Court in ancient simes far but rarely, top the coulest of law. First, for that enormous and erorbitant causes which this Court dealt withat onely in those dayes rarely fell out. Deconoly, this Court dealt not with such sainles, as other Courts of ozdinary fuffice might condiguely puniff, ne dignicas bujus curia vilesceret. Thirdly, it bery rarely old fit, felt it spould death the Rings Priby Councel from matters of State, pro bono publico, to bear private caules, and the principal Judges from their ordinary Courts of Juffice.

m. 10.

default

I That which wom is nert to be confidered in ferie temporis, is the flatute of 3 H. 7. Abe Letter whereaf followerb:

3 H. 7. ca. 1. the Kings Cound cel added.

21-His. cap. 20. It is ordained that the Chancelour and Treasurer of England, The president of and the Keeper of the Kings Privy Seal, or two of them calling to them a Bishop and a Temporal Lord of the Kings most honourable Privy Councell, and the two Chief Justices of the Kings Bench and Common Pleas for the time being, or other two Justices in their absence upon bill or information put to the faid Lord Chancelour or any or ther against any person for unlawfull maintenance; giving of live ries, figns and tokens, and reteiners by Indentures, promifes, oaths, writings or otherwise, imbraceries of his subjects; untrue demeaning of Sheriffs in making of pannels, and other untrue returnes by taking of money, by injuries, by great riots, and unlawfull affem-blies, have authority to call before them by Writ or Privy Scale the faid mildoers, and they and other by their discretion, by whom the truth may be known to examine, and fuch as they find therein defective, to punish them after their demerits, after the form and effect of Statutes thereof made in like manner and form as they should, and ought to be punished, if they were thereof convict after the due order of law.

Cambden Brit;

Camera stellata authoritatem prudentissimus princeps Henricus septamus ita Parliamentaria adauxit et conftabilivit, nonnulli primum inftituisse false

Upon this flature and that which formerly bath ten faid, thefe bir concluit. ons doe follow. The first conclusion is, that this Act of 3 H. 7. did not raife a new Court ; fog there was a Court of Prar-chamber, and all the Bings Priby Councel Indges of the fame. Fog if the faid ad did effablif a new Court, then Here is all bould those four of any two of them be only Audges, and the rest that they fisald call to them fould be but affiffants, and aidants, and no Judges : for the · Statute of 3 r E. 3. cap. 12. which raiteth a new Court, and tefoge new Judges, is introductory of a new law, by having conutance of error in the Erchiquer, which that be reperted in the Orchequer Chamber teloze the Chancelour and Treaturer, or calling to them two Judges, there the Cantel ur and Treafurer are only Judges in the Whit of Groz, and to in the like. But it is clear that the two Juffices in the Star chamber are Judges, and habe boices, as it bath been often refolbed, and daily experience teacheth. And further to clear this point, if the Juftices fould be but afficants and no Judges in the Starchamber, for that thep are to be called, ac. then, and for the fame reafon food neither Lozd Spiritual noz Tempozal, noz other of the Pziby Councel be Indg. es, nez babe boices in the Court of Starchamber. And therefoze the fubden 8 H.7.13. Plow. opinion in 8 H.7. and of othere not obferbing the faid diffindion bethe 1 Acs

Com. 393.

rience. The fecond conclusion is, that the Act of 3 H. 7. being in the offirmative is not in fome things purfued. For where that Ad directly that the Billog Infogmation Could be put to the Logo Chancelour, sc. all bills and infogmations in that Court are confantly and continually directed to the Kings Pafelly, as they were befeze the faid Ad; and it is a good rule, that tohere the Ad of 3 H. 7. is not purfued, there (if there be many judicial prefidents in another fort) they must habe warrant from the ancient Court; and per it is good (as much as may be) to purfue this Ad, there being no greater affurance of furifoidion then an Ad of Parliament. And where there be no fuch prefidents, then the Statute as to the Judges mutt be purfued : and that toas the reafon that in

Declaratory of proceedings in an ancient Court, and Ade Introductory of a new law in raising of a new Court, is both contrary to law, and continual expepeticule of others. Sin Christopher Wany a bial Muliter filingland in 2 milite to the tice prophet unique about continue parfice the chief description of

tier profite att of the control of t

actualization of a crossed of the day of the publique of Palbais, great decision of the British and the control of the control ordinary Courts of Suffice and dealest meetolik them, receigning bujus Curis

article etc. as before in ation dealeth medicite them, recolligates busine Curie wherever, as before in ation dealeth medicite them, recolligates busine Curie wherever, as before in ation dealeth medicites, by examination of witnesses, and for proceeding the Defendant upon Anterrogate them, and by examination of witnesses, and for proceeding rately one tenns, upon the confession of the party in Dairing under his hand, we can, be indiced by again multiply confession of autre, upon which confession in open Court, the Court dots proceed. But, it has dentesion before down two shorts of the Court dots proceed. But, it has dentesion before down two shorts of the following them but by Will or information, which is the faired wearened. The soft of the court was a soft of the Antonian shifts, and were species and Anterior are in of Bruceies calc. English, and improfish in participant, and show. All the surgices and Arcesso and of orders of the Court are importante. Seal: The fentances a decrees and Acts of mis ness fernances of the Court are importante. Seal: The fentances a decrees and Acts of mis ness fernances.

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Pafc. 12 Ja.Reg.

jultica exhibentus described especial especial des describentus des describentus des describentus des describentus des describentus de ties Petry Counsed viellerung genanglise welcheines twie der ihr den bei der der in den bei der ihr der in Bredius fo. 113, Court the Common rule in other Courts is altered. Befoze whom in the pre-tunce of the Africa bearned Counted the president were produced by proof on specially enthungs with one Turishas Bill Asso by Bliz. between Gibson on spentally einkom profess of lettenbarty : wherein the complaint then planned; and Grimor and others decembarty : wherein the complaint then for a Riot. And when pelating of the étails algod art in Course and four gibe that Course is the period of the course of the Course in the period of the Course in the course of the Course in the course of condemnation has ever entred. But the Antices took it; that that yellowed needed needed agree and the custom, for a spirity Antices took it; that that yellowed needed needed needed agree and the custom, for a spirity is an incident of the course. Another personner was been professed agreed. Terroino Hil. by Bile, the an Individualism by the Another professed person agreed agreed agreed and others for longing of a spirity of a spirity of a spirity of the course agreed the angle, the presence to all the punithed according to the Marticle of y Bile, the intervent the Loto Chancelour mas one, found him guilty of a missemeanour, and not of the forgery and imposed fine found bim guttep of a misdemeanour, and not of the forgerp, and imposed a fine found him gutley of a misdemeanour, and not of the forgery, and imposed a fine of the bumbled pound oners, and imposed mineral and that was emired attaching to the Bazo Chancelours boice. But no rule of Court was thence for entring thereof the thin mainter to as it appeared not clear is moneyer misded, or return the court, and it is an it is and to be perfectly and it is ont in the perfectly and it is ont one provident. This testing one, being faith a one as it is, and to late, be difficient as after the govern! Into any thank of all begin Courts, a leave to the judgmann of the pursuantee Courts. But fentence was never given against settle standard of all begin for a faith of the pursuantee courts. But fentence was never given against settle standard of the burstander as the govern rule in other Courts, when we will be paid to the paid the court of the partial standard of the standard against the court of the court of the paid to the paid t

Hil. 39 Eliz, in Camera Rellata, Giblons cale.

Hil. 45 El. in Camera ftellate. Batherns cafe.

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Mic. 36 & 37 El.

soft To For proceeding

Lawrence Hide and Fleury Hide Ctatiles , emilities a bill of complaint at gainst George Coriet and others upon the Statute of 3 H. 8. cup. 9. for unlatively maintenance and complained for their leveral Leafes for certain years of the Parantage of Dyston in the County of Wilces, subserved the Lestor nor sol country dens. or speed his Security of Provider in the Country of Wilter, whereast the Desceding Sold provider dens. or speed his sold provider density of the Security of

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descelation

tion no efforgri, protection wager of law or injunction thall be allowed, and that no effoign, ec. ofo lie in this Court. The fecond objection was, This Court bad no pawer to give the Plaincist remedy to babe execution fir this Court of the penalty given by this An. Whereunto upon great sovilement it was anthereto and retolbed. As to the first : that the Catute old give jurisolation to this Court, for it is one of the Kings Courts, at intended in the Ma : and the Die Mich. 6 & tute of 3 H.7 declareth that this Court barb jurisolation of maintenance, and this An of 32 H. 8. both abbe but a greater penalty : and an to the claufe of efform. The process. ac, it must be construed reddendo fingula fingulis, &c. for to me efform at tierb in this Court, to no injunction is abserved in the Court of Common Pleas lic. An to the freend: It was refolbed that this Court had power in this cafe to grant erecution of the penalth inflitted by this Ait; as in a like cale bad.ten done, in the case of James Taverner, And both these points had somerly been resolbed Dier se El 323. in this Cours, 24 Maii, 27 Eliz. between Robert Bradshaw Esquire Plaintiff, in Camera stelling Cours, 24 Maii, 27 Eliz. between Robert Bradshaw Esquire Plaintiff, lat Taverners and Robert barnock Efquire Wefendant, upon this Ptature, and the cafe de cafe, Pafc, 27 El, crief aetophingly, and a Commiffion awarded out of this Court, to enquire in Camera felof the balue ac. And for there caules by the rule of the whole Court, the demurrer late. Charnocks hias over-thied, and the Wefendant ordered to answer. will be

This Court litteth twice in the week in the Term time, viz. on weednestages, any Fridages, except either of those bages fall out to be the first of last pay of the Lerm, and then the Court fifterb mot but it confiantly bollett the nert day after the Term ended: but if any chute be begun to be beard in the Term time, and fordength or difficulty cannot be tontented within the Lerm, it was be

continued and Centenced after the Termus Collegers and area self rederen alle The dignity and is the most honourable. Court (our Parliament ercepten) that to in the a The dignity Christian fourld, both in retpen of the Andrew of the Court, and of their hos of this Court, nourable proceeding according to their full Authorition, who the ancient and full orders of the Court, . For the Audges of till tame are (spens babe beard) the The Judges Spandies of the Kealm, the Lord Chanceloff; the Legistered in the Lord of the General Prefibent of the Kings Courted, the Lord Prive Best affiche Lord Spiritual; temporal, and others of the Kings modification of the Lings modification of the exincipat Auoges of the Meabn, and fuch other Lords of Parliametras the Mino iball name. And they judge upon confestion, or deposition of witnesses And Cand, abi fupr. the Court cannot Gt for beading of rante inver the number of sight at the leaft. And it is trough faid. Coris Camera ftellata! fiveruflatem for the hus, eftantion [fima, fi dignitatein, bonoratiffima. This Couler, the right fribitution and anci-

ent sobre thereof being oblebed, both newall Bugland in puler, of and obomined affect the file of the Court be Coronikage & Concilio, per the nings Colincel of that Court best and becomine cause there, and the ming in magnical of law is alwayes in Court. As in the Sings. Senth the Aple of the Court is Coram Rege, and get bis Juffices tobo are bis Councell of that Court da beat and betermine, and to Coram Rege in Cancellaria, and the like.

Do this Court being bolden Coram Rege & Concilio, it is oz may be compounded of the feberal Councels. That is to lay, of the Logos and others of his a See the z. pert Pajellies Priby Councel, alwayes Judges wirbout appointment, as before it of the luftimet appeareth. 2. b The Judges of either Beneb and Barons of the Crebequer are of Sect. 164. Verb. the Bings Councel for matter of lain as and the time Chief Bullican action of the Decimal of the Bullican action of the Bullican actio the Bings Councel for matter of law, oc. and the two Chief Buffices, or in their geffer al Parliaablence other two Juffices are flanding Judges of this Court. 3. The Lords of a parliament are properly De magno concilio regis, but neither thefe, being not aff. pl. 15.
of the Bings Privy Councell, nor any of the rell of the Judges of Barons of the \$39E.3.5.19 E. Pribequer are francing Audges of this Court.

Temploris. 16 R 3. Star. de Promunire. 43 Aff. pl. 15. Regist. 124, 125. 191. 27 H. 6. 5. 2 R. 3. 10. 6 27 Aug. 5 H. 4. in the Exchange between the King and the Earl of Northumberland, in Turre 37 E. 3. ca. 18. Stc. Note the Parliament is called Commune Concident.

And note when

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tion of the () seen.

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17 B. 2. Stat. da

e In many of the Records before cited. f 25 H. 8, C. I. Lambard.

Sir The. Smith, Lib. 2. ca. 4

The process.

Officers of the Court (morn.

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.Faverners

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Centin fel

Star chamber, the Starred Chamber, in refpet the roof of the Court is garnifed with golden flars. Some babe imagined that it fould be called the Dearchamber, becauft arimina fellionat are there banbled : Dthere of this Saxon bood Secran, to fiter of tule as doth the Wilot, because this Court both fiter and gobern the thip of the Commonwealth. Dibers, becaute it is full of windowes ! but the true cause of the name is, because, as is aforefaid, the roof is Carred. 30 all records in Latine it is called Camera fiellata.

The process in this Court is Subpoens. Attachment, process of rebellion, ac. all under the Great Seal.

In this Court there is the Clerk of the Councell ; which is an office of great account, and trult, for he is to receibe, endorfe, enter, hep, and rertifle the bila? pleabings, recezos, erders, rules, fentences and betrets of the Court; and I fin that in former times men of great account babe bad that office in this Court as to gibe you a little tall thereof ! Bing H. 6. by bis Letters Patents . Tallus ly Anno regni fui 220 granted the fame to Thomas Kent Dodoz of the Bam fe bis life, calling bim Clericum concilii nofiri, and foon after twoze bim of bis by Councell. Aing H. 7. Anno 1. of his reign, granted the fame office to John Bladefwell Dodog of laws for tearm of bis life : But bereof this little salt Gall

Lattly, it remaineth to be fein what furishintion this Court bath in punits ment, and where and in what cafes this Court may inflic punifment by Pillory, papers, whinping, lotte of ears, taching of ears; frigmate in the face, et. (For it extendeth not to any affence that concerns the tife of man or obtrattation of any member, the ears only excepted, and those rarely and in most hainous and detellable offences.). But herein the lurest rule is, that sking it is an ancient Court, the presidents of the Court are to be follower, and the rather sorthur the Court consistet of such learned and honomable Andrea: And no belties to then warrent of presidents are not to be allowed spenerally some certain suits are to be followed, especially where no prefibents are estant in the case. "Quod arbitrio Judicis relinquitud, non facile tradic de finsonem suguinis. For general Acts of Parliament Supich institute qualifyment, viz. for forfeinire de corps & de avoir of thefe are expounded not to extend to tife, of member, but to impellonment, ac.

the First part of the Institutes, Sect. 74 y. Verb. Pelony. Majore pena affectus, quam legibus flatat eft, non eft infamis, Pena gravior ultra legem pofita aftimationem confervato) Confession jure pro judicato habetur, cum quodammodo sua sententia damnatur. Com confitente spente minus est agendom.

In has Curia non egitur de delictis ordinariis, ne dignitas hu jus curia vilefceret. Quicquid Judicis apthorizati fabicitus novitati apadab jicitur, no 1 1901 / 191

tam in offanges in Court. Apurthe einge Joefch the Tyle al the Court 19Co. rant Reine, and res its Auffres topo are big Courrell of thei Court Dabeat sint-bereinting, and to Coran Rege in Cancellaria, and the Jibe Santoin Court bring before Com Rege & Contillo, it is not such to consume

ded of a three feberat Councele. Doat is to fay, of the Lords and others of him also the f. para Councel, altaques Judges mithaue appeinement, as befores of the Infline angreveth. 2. b Abe Judger of eie ber Bened and Barant of the Cubroner are el argue le du. the Lange Counce for matter of tow, or, sind the and Chief Andres, as in their offer a paria. abler ce other the Tullices are flending Sudges of this Court. 3. The Notes of me

Cariforment are noverip De marno concilioners, but neither chefe, being not all else of the dings of the bages or Carong of the bages of the bages of the bages of the control of the bages of the control of the contro

17 E. 2. Stat. de Temploins is Ri. Stat. de Pramonio. 42 A.M. pl. 17. Regill. 124, 120, 29 14. 6, 5, 2 R. 2, 10. 6 27 Aug. 5 H.4. in the Schange between the King and the East of Nationalectand, in Toric 27 E. 2, 12, 13. Stc. Note the Parliquene is called commune Concilium.

De genow, mit of ancient time bath bien called the Chaniver of the Stave, the this Court. Pier dars, gubilip

Ecclefiafticus 20. 8. Qui pote-flatem sibi sumit injuste, adietur. " See Status, de moneta temps de califle. 20 E. 3. Ca. 4. Vid.23 El. Ca. 2. And note where he shall lofe his ears for defama-

tion of the Queen.

> 6 39E 3.5.19 E. a. Judgement. 174. W. 1. cap, 1.

tagit b., Quia radditto ju cui loquela que ele coram cebe, &c. de quidam transgreffione eidem A. per profest B. Hore und grave damauni ipinis A. ficut ex querela fua accepinus, Vobis precipinus quod ad judicium inde reddendum cum Vlerica Q: A fegndum legem & confuerudi-Lixebule impen Juffice. or Ludges of any Court of record, against of record.

Digurea dilatie

Regill. fo. 18. F. N.B. fo 20, 2

A Court for redresse of delayes of Judgoments commande, Quod e. erigo Tarig'agnill oft nic de loquela que fuit. Sec. per breve noltrum, de, hechlande hen fac. And therepon an Alas,

inhere the cause oepenbert, er. All the Judnes, ec. febich tiels in elenand nem, Because divers mischiels have happened of that, that in divers places, as well in the Chancery, as in the Kings Bench, the Common Bench, and in the Exchequer, before the Justices assigned, and other Justices to hear and determine deputed, the judgements have been delayed, fometimes by difficulty formetimes by divers opinions of the Judges, and fometimes for fome other canfe: It is affeited, established, and accorded, that from henceforth at every partiation that he choice a Prefate, two Earls, and two Barons, which that have committion and power of the King to hear by Perition delivered unto them the com-plaints of those that will complain them of such delayes and grievances made, and they shall have power to the come before them at We have fer, or elewhere where the places of any of them that be dried enor of Records and Processes of such judge elements to delived, and to differ the same Justices to come before them. Which that be dren prefer to bear their cause and reasons of such delayes: which cause and reasons to hear their cause and reasons of such delayes; which cause and reasons to heard by good advice of themselves, the Chancellers is reasonable to the Bench and of the others and other obtaine Kings Councell, assimany and fuch as that aftern convenient, hall proce to take upood accord and make a good Judgement and second ing to the land accord to taken, the teach of the lang Record, together with the judgement which hall be accorded, that be remanded before with the judgement which shall be accorded, shall be remainded before the Lustices, before whom the Plea did depend;, and that they shall give judgement according to the state of cond. and to assert according to the state of t

Whis Court in raised by the Statute of non Bragis sobiets followeth in thete .14 Kizacap. 7. Plate Bup Rot. Parla R. n.63. codermed by Parliament.

> A E. s. fo 7.BIes Callers cafe Judgement de layed 149.10 na nie Sir Geff Scancons cafe.

Mag. Care cao.

E. 3. fo. 3. per medbla. E. 3. johr. 24. 18 E.g. 47. 57. Note by good advice of the Transport of "Kegift.to. F.N.B. s4o.d.

fo. 124. b. Rex Johanni de

Bervie the maning et this Platine of the of dingenence his formach vold by the Composi Late, short with so was hardent. While Common late, I like required, that Picha & Celeris jamin's his Arribus by the Common late, I like required, that Picha & Celeris jamin's his Arribus by the plana alone, not celeris alone, but both picha & Celeris. Attraction of Pickerpe good celtar, are Quad julie & fine dilutione Celeris alone with the alone with the proceed endors a malicipum. Then the Indices of Tidogen of air Court of Mecade Windows of Airbus of Airbus of Airbus of Airbus of Court of Mecade Windows of airbus of Air

Regift 131. 2. F.N.B. 23. c. And fo upon Conufance granted. Regift fo. 22

F. N.B. 153.b. &c. Cuft. de Norm. cap. 27.

For redresseof Delayes of Judgements. Capiso. 68 Mit be, Quia redditio judicii loquela qua est coram vobis, &c. de quadam

Diuturna dilatio tranfgreffione eidem A. per præfat' B.illata, ut dicitur, dinturnam cepit dilatione ad grave damnum ipfins A. ficut ex querela fua accepimus, Vobis pracipimus quod ad judicium inde reddendum cum ea celeritate que fecundum legem & confuetudi-

nem regni nostri, procedas, &c.

Regist. fo. 18. F.N.B. fo.20, 2. Bec.

3. Likewite inhen Auflices of Audges of any Court of recoed, of not of recoed, gabe Audgement, and delayed the party of his execution, the party griebed may babe a suct. De excededone judicil, by which world the Authors of Andress are commanded, Quod executionem judicil super redditi, &c. de loquela que fuit, &c. per breve nostrum, &c. sine dilatione sieri fac. And thereupon an Alias, Plur' and Attachment, gc. do lie.

Seoheresfrer,ca. Exchequer and Exchequer Chamber.

4: By the meting together upon abjournment of the caute out of the Court. where the cause dependeth, se. All the Audges, sc. which now we call an Ofchequer Chamber caufe, warranted by the Common law and ancient presidents betore this Katute ! and the frequent use of this Court of Exchequer chamber bath then the cause that this Court apon the Ac of 14.2.3, but been racely put in are benge

2 E. 3. fo.7.Ellys Calters cafe. Brad.lib. 1,ca. 2.

105. By the Kings Willit comprehenbing quod fi difficultas aliqua interfit ; that the Record Could be tertified into the Parliament, and to adjourn the parties Rot. Par. 14 E. 2. to be there at a certain day, Si obseptum & difficile sit judicium, ponantur judicia mu.ule. Sir Gest. in respect usque magnamentriam. An excellent Record, whereast you may read in the Parliament balogit at Westminster the Luctury after the translation of Becket, Anno 14 E.

Mag. Cart. c. 29.

Person by Mas of Parliament, Nulli vendennes, nulli negations, and differences in the manual reduction of mediant differences in the manual reduction of mediant differences in the manual reduction of mediant differences in the manual reduction.

2 E.3. fo. 3. per 14 E.3. jour. 24. 18 E.3. 47. 57. 31 E. g. an. 161. 39 E. 1. 17. 11 N. 4. 5. 76. 9 H. 6. 58.b. F.N.B. 40. d. "Regift. to. F.N.B. 240. d.

24, 15.

Assard pall not de commanded neither by the Great Seal, nor by the Little Seal, 1992 by Letters, 1902 any other same to delay right; and albeits such commandement come, acc, that by them the Austices succede not to doe, eight in na manner. Vide 2 E. 3 cap. 6. 14 E. 3. cap. 14. 18 E. 3. sat. 3. 2 R. 2. a safente not in paint. Ron Parl, no. 5. whereby it is enamed, that no Austice that Ray justing for any unit; Letter of the Great test of Privo test, or other commandement what were against the Bros and advises before that rime made. Roc. Par. 2 H. 4. nurs 4. Anno 3 Halson 33; all which are beclarately of the Common saw. Anno 3 Halson 33; all which are beclarately of the Common saw. In which they are commanded, a caused ad justing partibus, &c. faciend, virture alicu jos mandan, he maggo signife. Se parvo signife vobis direct feu dirigend inpllatenus superfédeais. &c. And thus much sor the Common saw Acts of Partitionent. That it mail not be commanded neither by the Geeat Beal, not by the Little

This Statute of 14 E 3. cap. 5, confident of two general parts, viz. the Preamile and the Body of the Ma? In the Preamile this things are to be obserbed. I. Abat (mornithmoning the provision of the Common law) mischiefs do bappen by slay of industries. 12. At enumerates in lobat Courts these delayes. V de Regift. Sex Johanni de II. Maliti, &cc. og bepoest "viz. ån eine Hancery "in ede Bings Bench, eine Comman Bench, and the Archequer, the Auflices affigued, and other, Auflices to best and determine deputed. 3. Aspectareth bow these velapes bade grown, viz. samerime, soz distriction the matter in law, sometime in divertify of optition of the August and constitutes to some other cause, that is, by Commandenents, Tetrery, or Deputages of the king or Great Pen, or Intibe Body of the Act the diede collected name of the king of Great Men, st. In the Body or the Marke of the totalence many observations. I. That at cheer Parliament there shall be chosen a Preliate, two Caris, and two Basions, he are one Bisson, two Caris, and two Basions, he are supposed in the Basions, he was supposed in the supposed in th

egift igr a. .N 3. 23. C. noqu el Comfance granted.

Rer 1 10. 21; I. N.B. 153.b. & o Cuft. de Pierm. cap. 27

is INT

Lib. 3. cap. 7. to. 105.b.

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2. This An doth appoint that the Prelate, the Carls, and two Barons are to babe a Commiffion and power of the Ring under the Great Seal (and none of them can be ableite) which Commiffion is to endure until the negt Barliament.

3. This Commission and power considers on ten parts. 1. Ad audiendum, to bear the peririon belibered to bear, the Commissions at these that will complain them of such belayes of grievances made. 2. Ad ventre faciend, to come before them at Westminiter, at elsewhere, the tenoz of the Mecords and Procelles of such Augustierum force de autorite in one planty in Sings west of Certiorari. 3. Ad venire faciend, to cause the same Justices to come before them. Ad audiend' fuas rationes & caufas talium dilationum, to bear their realons 4. Ad audiend fuas rationes & cautas faitum dilationum, to pear their reality and tautional functions of mental and the state of the st of the attitation 9. Adfreiendum, to make wood Angentente 9, Ad femandandom, to remand peroze the Autices, befoze whom the plea did depend, the termination of the thing were to an armonic that is the flat by active to the training of the training that by the training the training that by the training that by the training that is the training that it is the training that is the training that it is the trainin

Metarti. ellegieri errine & eslesofs samren ed 25 stanmagdu, kust sadama ad Metarti. Metarti ellering Roc. Pac. 18 k. 3.

To Committen granted en 18 k. 4. granded upon die Statute, am tetering Roc. Pac. 18 k. 3.

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to the tame being enaced, as there it appeareth, are Soitlament bolden die Mert. 2 parc.

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printo, there I ding two Bierganisms in the experiment of the Mar.

my 19 therefore products for the agode exposition of the Mar.

then, that the observations for the great; that it cannot will be determined without affect of Mar. Himment, that he receive extension but he betermined without affect of Mar. Himment, and the english and the english of the same that is described by the late Topelate,

Merls, and Bar and unto the next Parliament, and there is the final active be taken the first indexication of the first indexication.

The Law be elected. Shard, we cannot now him delays any man in reflect of our serving delays and be altered. Shard, we cannot now him delays any man in reflect of our serving delays and the altered. Shard, we cannot now him delays any man in reflect of our serving delays and the same a

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be Auflices ought to delay no man in the name of the Sing where the Sing 18 H. 4.

bath no right. The demandant first not be legally delayed twice for one comp.

spelay in a Quare impedit, though it be by elloign, in a defentuance. Sem
sall, 6.3. per
per fur elt in mora. In circular impil ambulant.

per fur est in mora. In circulen impil ambulant. Using the party of the moram femper nocult differe parais! When of partiament to 6.8.3.14.

But testing neither the Common law, incomposition of partiament to 6.8.3.14.

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But testing neither the Common law, incomposition of the partiament to 6.8.3.14.

But testing neither the Common law, incomposition of the first pretented by the right a Plahan, 9.

Partiam testine, or delay to dimit and inclinate a Ciera pretented by the right a Plahan, 9.

Better of distribution of parais his Letters under his well to all and fingular at Range 3.12.

Cleras of distributions. To commind the Dedimit, destinate that an appear before 5.0 particles from the appear before 5.0 particles at a first section of a distribution of the particles at a first section of the law and the particles at a first section of the law and first section and appear a section of the law and the particles and first section of the law and the law and first section of the law and the law and first section of the law and the law and first section of the law and and law a cap 1. [483] into Louis a Rex pracipa quad pax seculars as Escisia & regni folide cu-

2. Abia La Coty oppoint that the Prelate, theo Carle, and the Barona are to habe a Committee name primer of the Ring under the Great Beat (and none or them can be esteine abieb Commiffich is to endure until the ner bestlandent. 3. Shie Educatifien and polver confiders on ten parts. 1. 'd sodiendum to hear the period wellvered of EV., the amplified that that that that the complain them of first voelepes of gitebances theor. 2. ho verice facend, to come before

The Court of Kings Benchge Coramis Roge. Ad venire faciend, to coule in faue Buleten te come before their.

Lib.3. eap.7. to. 105.b.

audiend mastrationes & causas rainim dilation . to bear if Reston both grade in felu inogon a notable printellion of this Court. Habes Rex plures Guriania quibus diverse actiones reminentinos illarum surian cum habet unem propriam fient Aulam regiam & Juliciarios capicales qui propriescaules Regies terminant & altorum ometum och querelame mel per privilegium, fen libertatem; And fon after fpenhing of the Juffice of this Court faith : Item Jufticisriorum quidam funt capitales, generales, perpetui, & majo, res à latere Regis residences, qui ommum aliorum corrigere tenentur princias, &

* Nota.

Fo. 108. 2.

dandom, to remand before the Judices, before infonced when it is neglected and cappage and sions pict of the north and and nofite lien ou que nous leons en Angliterre. * Voilons fluceur ejant conufance de amender faux judgements, & de terminer appeales & auters tre palles faitz en Agranter pro- conter noître peace, & frenconter noître jurisdiction & lour segurd se esteunt hibitions.

folong; ceo que nous manderons per noître brever as dans mind such all all file fleta in describing this Court saith; Habet & Rex Cariam mam & Justica-

Fleta in befribing this Court faith: Habet & Rex Curiam ham & Julticiarios hos sam militas quam fericos locum hum tenentes in Anglia a coram quibus, & non alibi militarum femetiplo & concilio huo vel Auditoribus pecialibus
falla judicia & errores Indiciariorum revertuntur & corriguntur phidem eriam
terminantur beevia de appellis. & alia brevia luper actionibus eriam
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terminantur beevia de appellis. & alia brevia luper actionibus eriam
terminantur beevia de appellis, it is thus lain of the Chief Jultice of
lib. niger in
Staccario cap a, this Court: Capitalis Jultica practigar primus in regno. Dut of fibele there and
tent Authors the oblevos there in conclutions.

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*Title, there is Bracton faith, Habet Rex plures curias in quibus diverla actiones

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*Title, there is Bracton faith, Habet Rex plures curias in quibus diverla actiones

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* terminance. Pereby, and in effect by Britton, this conclusion followeth, that the sting bath committed and distributed all his whole power of judicature to feberal Courts of Austice, and therefore the industributed must be. Idea consideratum eft per Curiam. And beretotth do agre others Ads of Parliament and Bot cales, fonce whereof, for illustration, we will briefly remember; and leabe the fubicious Keader to the reft.

b Providum copeordatum & concessionest, and tam majores, quam minores julitum habeant, & recigiant in curia Domini Regis. Etat the Isms Eccles. affical and Lempozal were and pet are administred, abjudged, and executed by plufors parts come antical and Astropozal dere and per austinitated, asympton, and frecuted by eff or dente, one to the place of Expedit enam magistratus respublica conflicts, quis per cos as Extended and conflict of interpretation of the place of God and quietness of our subjects, as to save our vides to the place of God and quietness of our subjects, as to save our vides to the place of God and quietness of our subjects.

24 He sept conference and to keep our Oath by the affent of our Great men and in fich: atT other of our Councell, we have commanded our Justices, that they shall d Brathles can from henceforth doe even law and execution of right to all our Subjects, fold to the first poor, without having regard to any person, without letting to do feeling labels right for any Letters or commandement which may come to them from us, or from any other, or by any other capie.

W. I. A. 3 E. I. Agreeable to that great Canon of the law Anno 3 E. I. which we have transported by the company of the law Anno 3 E. I. which we have transported by the company of the law Anno 3 E. I. which we have transported by the company of the law Anno 3 E. I. which we have transported by the company of the law Anno 3 E. I. which we have transported by the company of the law Anno 3 E. I. which we have transported by the company of the law Anno 3 E. I. which we have transported by the company of the law Anno 3 E. I. which we have transported by the company of the law Anno 3 E. I. which we have transported by the law and the law and

W.I. A. 3 E. I. Agrande to that great wants of the factofancia Ecclefia & regni folide cu-Flera lib 1.c.39. Rodiatur & confervetur in omnibus, quodq; justitia fingulis tam pauperibus quam

aSee Britton f. 1. Speaking of the King, Et pur tee e nous ne filfifons in notire preper perfon a oier terminer touts querels det people? Avomus partie. plufors parts come

divitibus adminiftratur, nulla habita personarum ratione. Die the second part

of the Inflitutes, W. T. Cap. 1.

1 H. 4. the Bing both committed all bis power fuolcial, fome in one Court, 8 H. 4. fo. 19. and tome in another, to as if any would render himfelf to the judgement of the ming in fuch cafe where the Bing bath committed all bis power judicial to o-thers, fuch a render thould be ro no effect. And 8 H. 6. the Bing both judge by 8 H. 6. 20. &th. Dis Ausges (the Bing baving diffcibured his power judicial to teveral Courts) Game F. 5. And the king bath wholly left marters of judicature according to his lawes to bis Judges.

And albeit it be enaded that the Welinquent hall be fined at the will of the 1 R.3. fol. it. Bing. Non Dominus Rex in camera fua nec aliter nifi per jufticiarios fuos (finem imponit) & hæ eft voluntas regis, viz. per Jufticiarios & legem fuam, unum

eft dicere, 648 , of 68

The fecond conclusion is, that in those dapes this Court of Mings Bench did follow the Court:and therefoze Bracton calleth it Aulam regiam, beraute they fat in the Minus Balt. "Britton callett the Juffices of this Court, Juftices affignes de nous fuer : and Fleta, ubi tune fuerimus in Anglia.

Abe third is, that it is called the Bings Bench, and the Pleas thereof Coram regen becaute in this Court (as Bracton faith) those Capitales jufticiarii propriss regis caufas terminant, and therefore the ming himfelf cannot be Judge in

propria caufa, 11 18d 418

The fourth is, that under thete toogds [proprias causas] are included the Of these you things. First all pleas of the Crown; as all manner of treatons, felonies, and may read in things. First all pleas of the Crown; as all manner of treatons, felonies, and other pleas of the Crown, which ex congruo, are aptly called proprize cause regis, because they are placita corona regis. Secondly, regularly to examine and correct to cap. 18, and all and all manner of errors in fait, and in law, of all the Judges and Justices of in the chird pare the Realm in their sudgements, procede, and proceeding in Courts of record, of the Institutes and not only in pleas of the Crown, but in all pleas, real, personal, and mirt, per total, and more of the Greener excepted, as beteaster thall appear.) And this is pro
And in reland prium quarto mode to the king in this Court: for regularly no other Court of every in the prium quarto modo to the Bing in this Court : for regularly no other Court of errors in the bath the like jurifoldion , and therefore may be well talled propria causa regis. Kings Bench And these two be esthigh and soberaign jurisdiction. * Thirdly, this Court bath there. Lib. 7. and only jurisdiction to correct errors in judicial proceeding, but other errors fo. 18. F. N. B. and introdumenours extrajudicial tending to the breach of the peace, or oppress. 34 Ast. 7. 39 E.3. Error 88 on of the subjects, or raising of faction, controbersie, debate, or any other manner a Lib. 11, 50.98, of milgovernment 3 to that no wrong or injury, either publick or private, can be done, but that this fall be reformed of punithed in one Court of other by one course of law. As if any person be committed to pellon, this Court upon motion ought to grant an Hibeas corpus, and upon return of the cause do justice and reliebe the party wronged. And this may be done though the party griebed bath no Ja Baggs cafe. pzivileoge in this Court. It granteth probibitions to Courts Lempozel and Vid. 10 E. 3.0 Ctcleftedical, to kap them within their proper jurisdiction. Allo this Court Marchallea. may bail any perfor foz any offence whatfoeber. And if a Freeman in City, Burgb, of Lown Corporate be einfranchifed unfully, albeit be bath no pribibiledge in this Court, pet this Court may reliebe the party, as it appeareth in James Bagges care, ubi fupra, & fic in fimilibus.

Fourthly, this Court may holo plea by Wait out of the Chancery of all tret. P.N.B.89.92. patter done Vi & armis, of Replevins, of Quare impedit, &c. Trin. 19 E. 3.

be the fecond part of the Institutes, the a r Chapter of Mag. Carta, Commu-

nia placita non sequantur curiam nostram.

Fifthly, this Court bath power to hold plea by Bill for debt, detinue, cobe- lasticues, Mag. nant, promife, and all other perfonal actions, ejectione firme, and the line against Cares, cap. 11. any that is in cultodia Mareschalli, og any Daicer, Minister, og Clerk of the Court : and the reason bereof is, for that if they fould be sued in any other Court they fould habe the priviledge of this Court : and left there fould be a sayler of Auflice (which is to much abborred in law) they thall be impleaded here by Bill, though thefe actions be common pleas, and are not refrained by the faid Act

Vid. 10 E. 3. Ca.3

coram rege Rot. 16. Linc.

See the fecond part of the Infticutes, ubi sup. Rege, Rer. Hus & Haut.

of Magna Carra, ubi fupra. Likewife the Officers, Minifters, and Clerke of this Court paibiledged by law in refpect of their necellary attendance in Court, may implead others by Bill in the actions afozefaid. And all this appeareth by Bracton, who lived when Magna Carra was mane, ubi fupra : where be faith. Et aliorum omnium per querelam vel per privilegium five libertagem. And contimual erperience concurreth with antiquity berein. H. P. captus per querimonium mercatorum Flandria & imprisonatus offert

Domino Regi Hu & Hant in plegio ad ftandum recto, & ad respondendum orz-

dictis mercatoribus, & omnibus aliis qui verfus eum loqui voluerint, &c. This vien was after the flatute of Magna Carta, Anno 9 H.3. Of there words Hm & Hant, two French wogos, Hm fignifying an Cloer-tre, and Hant the Gaff of a halbert, sc. Aleabe the conjecture that fome habe made thereof to themselbes : the think it was then common bail, changed now to Do and Ro, and the rather for this word [offert.] And it is obserbable, that then putting in bail at one mans fuit, be was in custodia Mareschalli to answer all others tobich would fue bini by Bill, and this continueth to this day. If any person be in custodia Marefcalli, &c. be it by commitment, of by Latitat, bill of Midd' of other Proces of law, it is fufficient to give the Court jurisdiction; and the rather, for that the Court of Common pleas is not able to dispatch all the subjects causes, if the said actions thouse be consined only to that Court. And teeing none but Serjeants at law can practite in the Court of Common pleas, it is necessary that in this Court of Bings Bench Apprentices and other Councellogs of law might by experience inable themselbes to be called perfeants afterwards; otherwise perfeants must want erperience, which is the life of their profestion. And the presedings in that Court for lo long time, a under to many bonourable Judges and reberend Sages of the law, bath gotten luch a foundation, as cannot now without an Act of Par liament be faben. And the errogs in the Bings Bench cannot be reberled (but

ction of the Court is faved) but in the Bigh Court of Partiament, as before in the Chapter of the Court of Partiament appeareth. Dirthip, if a Wazit in real action be abated by judgement in the Court of Com. mon pleas, and in a Wilt of Erroz the judgement is rebered inchis Court, and 11.4.4.49 in the West is adjudged god, this Court thall proceed upon this West, and is not native habendo, restrained by Magna Carra, ubi supra, ne Curia Domini Regis desiceret in justitia exhibenda:

in certain particular actions by the Matute of 27 Eliz, cap. 8. wherein the jurisdi-

This Court may bold plea in Allife of novel diffeifin without any patent , for it is querela and not placitum, and fo not within thefe wards communia placita. as it bath been expounded and warranted by continual experience.

A Scire fac' to repeal a Patent of the Bing may be brought in this Court. And where Fleta faith Nifi coram semetiplo & concilio suo, vel Auditoribus specialibus falla judicia ac errores jufticiariorum revertuntur : It is to be known that all the Common law errors in the Court of Erchequer (being the proper Court of the Ring for bis rebenue and profit) were eraminable before Commifloners appoints See more hereof et by the Kings Witt under his Great Deal, which Fleca bere calleth Auditores of the Exchequer speciales. But note by the Katute of 31 E. 3. the Chancellour and Areafurer ta-31 E. 3. cap.13. hing to them the Juftices and other fage perfons, fuch as to them femeth to be

*Rot. P. 18.E. 1. taken, thall examine the erozs in the Erchequer, sc. nu, 97. Placis, In ancient time, when pleas were bolden in Parliament, when the parties like To de anya bescended to issue, the Record was adjourned into the Kings Bench to be tried In ancient time, when pleas were bolden in Parliament, when the parties

> Dee the Catute of W. 1. against prepoterous bearings in this Court, and the exposition of the same in the second part of the Institutes.

By the Statute of Artic' fuper Cart. the Chancelour and the Justices of the c Art. Super Cart. Mings Bench were to follow the Court : but notwithflanding both the Chan-28 H. 1. cap 5. cerp and the Bings Bench were at this time fetfed Courts, during the feberal

1. 2.C.6. & 1. 11.C.1. Coram Justic. D. Regis in Banco fedentibus. Vid. adjudicat' coram Rege in every Term, from 1 E.2. during all his reign in every Iveral Term in the year. And in all those times and Terms the Court of Chancery did for

31 H. 6. 10 b. adjudge.

1 H. 7. 12. 14 H. 7. 14. 21.2.3. 46.

F.N.B. 127 de mord.

3 H. 4.7.

Burgo & Reg- there. man, &c.
b W I cap. 14.
Against preposterous hearings.

See more hereof

Merms of the year, as by infinite recozds, both tefoze and after this fature doth appear. So as at this time they did not attend in the Bings Court, but toben they were called, yet were accounted as parcel of the kings houshald as long as they followed the Court : but this cumberfome attendance wholly ceased in the reign of E. 3. and pet the Logo Chancellour would have had his purbeyance. as if be had continued fill as one of the boufbold, until be and all others, but thole of the Kings, Duens, og Pzinces bouhold only, were reftrained by Act of 34 E. 3. ca. 2.

Warliament, 34 E. 3. cap. 2.

Allo upon perulal of the Records in the reign of H. 3. from the beginning And so did the of his reign untill the ending of it, this Court fat in the Term time where the Chancery, both other Courts of Justice did at. And the pleas were filed to be bolden Co-fome purposes ram Rege as to this day they are : And this appeareth by Firzh. Abzingement, in buron: Courts the titles of Corone, of Brief, of Waft,&c. and by Bracton who in many places as it appeareth boucheth Judgements in the reign of H. 3. in Terms Coram Rege. And this in the chapter appeareth also in eleer times: but bereof thus much thall suffice to probe, that at of the Court of the making of the faid Act of 28 E. I. and long befoge this Court in Lerm times far with the Bings other Courts, and specially for Pleas of the Crown, &c. and that the faid da is to be intended, that the Chancellour and the Budges of this Court fould artend the Bing, and follow the Court when they were required.

It is truly said that the Justices de Banco Regis have supream authority, the 3 El. Dier 187. King himself sitting there as the law intends. They be moze then Justices in 27 Ad. p. t.

The Juffices in this Court are the foveraign Juffices of Oier and Termi- 7 E. 4 18. ner, Goal-delivery, Conferbatogs of the peace, ac. in the Mealm. Se the toks 4 H 7. 13. in the margent, you shall find ercellent matter of learning concerning the fu- 14 H.7. 21 li 9. pream jurisdiction of this Court.

In this Court the Bings of this Realm babe fit in the Bigh Bench, and the cherscafe. Judges of that Court on the lower Bench at his feit, but Judicature only belongeth to the Judges of that Court, and in his prefence they answer all motions isc.

The Juffices of this Court are the foberaign Cozoners of the Land, and there 17 E. 3. 13 .. fore where the Sheriff and Cogoners may receibe appeals by bill, à fortiori the Lib.4 fo. 57. in the Sadlers cafe.

Juftices of this Court may do it.

Do high is the authority of this Court, that when it comes and fits in any a 21 aff. 12. 27 County, the Juffices of Eire, of Oier and Terminer Gaol delivery, b thep which aff. 1 . 18 aff. 52. babe conusance, ac. do cease without any writing to them. But if any india. 21 H. 7. 29. ment of Areaton of Felong in a forraign County be removed before certain Com. Coram Rege. millioners of Oler and Terminer in the County where this Court fits, pet they Ro. 99. Chicel. may proced, becaute this Court (for that this indiament was not remoted be. W. I cap. 3. foze them) cannot proceed for that offence. Butif an indiament be tatter in Lib 9 fo. 118. Midd' in the Wacation, and after this Court fit in the nert Lerm in the fame Ubi fupra. County (if this Court be adjourned) then may fpecial Commiffioners of Oier and Terminer, &c. in the interim proceed upon that indiament, but the more ufund may is by special Commission. And all this was resolved by all the Judg- Hil. 1 Jac. Sir es of England at Winchester Term, Anno 1 Jacobi Regis, in the case of Sir Walt Raleighs Everard Digby and others : and fo had it ben refolbed, Mich. 25. & 26 Eliz. c:fe, &c. in the case of Arden and Somervile, for this Bind of special Commission of Over Pl. Com fo. 338. and Terminer : and herewith agreth Pl. Com. in the Carl of Leic' cafe, Anno Count de Leic. 1 Mar. reginx.

And to Supream is the jurifoidion of this Court, that if any Merord be re- 12 E. 3. 6 b. mobed into this Court, it cannot (being as it were in his center) be remanded 34 E. 3.73. back, unless it be by Act of Parliament. And this appeareth by the Hudgement; 29 aff. 52. of the Parliament in Anno 6 H. 8. but by the authority of that Act indiaments 6 H. 8. cap. 6. Is of Felonies and Purders remobed into the Kings Benth map by the Murentendethonly tices of that Court be remanded, and this Court may fend down as well to Felonies and the bodies of all Felons and Burderers, as their indiaments into the Coun. Marders ties where the fame murders og felonies were committed og done, oc. in fuch manner, ac. as if the indiaments had not been brought into the Bings Bench.

Seignior San-

P.Com. 262.

remaineth in this Court.

26 aff. p. 47.

penume: o. a Lib. nigro in Never in any legal record (which we have called Summi Fufficearii.

ciarius Anglia.

Rot. Cart 45

H. 3. 13 Aug.

>::

Same?

See before cap. But the Julices of the Kings Bench of their own authority may grant a Nig Parliam. pag. 11. prius in cate of treason, fetong, and other pleas, fog there they fend but the transwhen a Writ of fcript of the Recogd, and not the Recogd it felf, as thall be faid in the Chapa Judgement, co. ter of Juffices of Nili prius. But if the Juffices of the Bings Bench do perceibe ram rige, they that any indiament is to be removed into that Court by practice or for delay, the proceed fuper te- Court may refuse to receive the same, before it be entred of Mecord, and remand nore recordi, and the fame back again for juffice to be done.

By the flatute of 2 H. 4. the Clerk of the Crown of this Court, if four score or an bundzed men be indiced of felong og trefpalle, of one felong, og one trefpalle, and 2 H. 4. cap. 10. they plead to an iffue, as not guilty, the faid Clerk ought not to take for the Venire fac', not for the entring of the plea but two fillings only, and not two fillings tog ebery one, which At is made in affirmance of the Common lato. Doif one man be indided of two feberal felonies of trefpalles, and is acquited, be thall pap but foz one deliberance.

Designatio Justi-Dut of this Court are other Courts Deribed, as from one fountain feberal ciariorum eft à forings and ribers, in respect of the multiplicity of causes, tohich habe increavero ordinaria à feb. Jurisdictio istins curiæ est originalis seu ordinaria, & non delegata. The Juffices of this Court have no Commission, Letters Patents, og other means Glanvil lib. 1. to hald pleas, gc. but their power is oziginal and ozdinary. They were called ca.6, 13. &c. (2- anciently * Jufticia, Jufticiarii, locum tenentes Domini Regis, &c. The Chief Auftice, Justicia Anglia, Justicia prima, Justiciarius Anglia, Justiciarius Anglia Scaccatio,pa. 1. capitalis, and Jufticiarius noster capitalis ad placita coram nobis terminand. Ao obserbe the changes of these names, and the reason and change thereof, is wezthe of observation.

Befoge the reign of E. 1. the Chief Juffice of this Court was created by Letfeen) they were ters Batents, and the form thereof (taking one erample for all) was in thefe

Rex, &c. Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Vicecomitibus, Forestariis, et omnibus aliis sidelibus regni Anglia. Salutem. Cum pro conservatione nostra, et tranquillitatis regni nostri, et ad justitiam universis et singulis de regno nostro exhibendam constitue-Capitalis Jufti- rimus dilectum et fidelem noftrum Philippum Baffet Jufticiarium Angliæ quamdin nobis placuerit capitalem : Vobis mandamus in fide qua nobis tenemini firmiter injungentes, quatenus in omnibus qua ad officium fusticiarit pradicti, nec non ad conservationem pacis nostra et regni nostri eidem dum in officio pradicto steterit, plenius sitis intendentes. Teste Re-

Berein 6. things are to be obserbed. I. That the creation of his office was by Letters Parents. 2. That this officer was oziginally instituted for riginal jusdicti- thie things. 1. Pro conservatione nostra, 2. Tranquillitatisregni nostri. 3. *Ad on of this Court, juftitiam univerlis & fingulis de regno noftro exhibendam. The third thing to be obterbed in, that he was thed Justiciarius Anglia capitalis. 4. That Philip Baffer was conftituted Chief Juffice of England, and after made Anight, for he was not unight at the making of the Letters Patents. This Philip was of Welledby in the County of Northampton, and was excellently learned in the laws of the Mealm; he was pounger brother of Baron Baffer of Draiton Baffer in the County of Staff. 5. That he was conflituted quandiu nobis placueric. Laftip, the claute of attendance, and the persons that are to gibe attendance, de. to bim, are bery remarkable. This Philip Baffet was the laft of this bind of creation by any like Letters Patents, and be died Chief Inflice neer to the end of the reign of H. 3. Ming E. 1. being a wife and prudent Prince, knowing that Cui plus licet quam par eft, plus vult quam licet, (as moft of thete fammi Jafliciarii did) made thee alterations. I. By limitation of bis Authorite. 2. By changing Summus Jufliciarius, to Capitalis Juftic'. 3. By a neto bind of creation, viz. by wait, left if be had continued his former manner of creation be

might babe had a defire of his fogmer Authogity, tobich thee do exprelly appear ty the Willit per in nie, viz.

Rex. &c. E. C. militi Salutem. Sciatis quod constituimus ves fufficiarium nostrum capitalem ad placita coram nobis tenenda, durante beneplacito nostro. Tefte, &c.

mathich weit being called Breve doth in few toogds comperhend the fubitance of the former Letters Patents : fog Capitalis Juniciarius notier and ad placita coram nobis tenenda includes all that which was traily intended to be granted to bim in the former Letters Patents, which alteration were made by Authority of Parliament, though not noto extant. Fog it is a rule in law, that an See in the chapt. cient offices mut be granted in luch forms and in luch manner, as they have of the Confiable uted to be, unleffe the alteration were by Authozity of Parliament. And con. & Marchal for simual experience approbeth, that for many fuccessions of ages without intermit. fion, they have been, and pet are called by the faid wait, Er optimus legum incerpres confuerudo. But after the fait alteration, viz. in anno 25 E. r. Reginaldus Rot. Par. 27E. r. de Grey (was tiled) Jufticiarius Anglia, and be was in legal precedings cal. Welt of Parlialed Capitalis Jufticiarius nofter, when his Batent was, Capitalis Jufticiarius ment et him di-

wie babe fen a fine in thefe wogds : Hac eft finalis concordia facta in curia Nota, this fine domini Regis apud Westm' à die Sancti Michaelis in tres septimanas, anno regni was levied, Inter Regis Henrici filii Regis Johannis 3. coram domino Huberto de Burgo capitali Matinum Abba-

Justiciario Anglia & aliis domini Regis fidelibus tunc ibi prafentibus.

a In the Willit De homine replegiand', he (which was formerly called Capitalis Thurstan' Baffet Justiciarius Anglia) is called Capitalis Justic. noster, and sometime Cap. Justic' desorcienem de Regis. The file of this Court of Bings Bench is Anglia in the margent : and in 3 Caucal terra ofbers Ads of Barliament be is called Chief Juftice of England. 34 H.8.cap.26. him 37 H. 8. cap. 12. 2 E. 6. cap. 13. 5 E. 6. cap. 11.

The Chief Juftice in Ireland is called Capitalis Jufticiar' Hiberniz at this day, before Magna Pasch. 13 E. 1. (the pleas in this Court are Coram Rege) then were filed Carta, & Stiled thus, Placita coram locum domini regis tenentibus, &c. Ideo venit inde jurata capit. Justiciar thus, Placita coram locum domini regis tenentibus, &c. within which wozos all mujenden 6.109.

the Judges of the Bings Wench were included.

Anno domini 969. in the Abby of Ramfey this Epitaph was ingraben, ac. with the fame D. Allivinus inclyti regis Edgeri cognatus totim Anglia * Aldermannu, &c. who file.
was without question Chief Justice of all England. Inter leges Alveredi cap. 34. 24 E.1. Stat. de be in tallen Cyninger caldorman , i. Regis Aldermannus five Senator, five Ju-confutent, 3 E.3.

dex. Vide cap. 3. 15. & 38. Et inter leges Edwardi cap. 35.

The reft of the Judges of the Bings Bench babe their Offices by Letters Lis Inc. Con the Datents in these words. Rex omnibus ad quos prasentes litera pervenerint, affices for to soft salutem. Sciatis quod conflictimus dilectum & fidelem Johannem Doderidge b Aldermann militem unum Judiciariorum ad Placita coram nobis tenenda durante bene- Judices dieta placito noftro. Tefte,&c. Theft Juftices of the mings Bench are filed, 1. Ca. funt in diebus pitales, 2. Generales, 3. Perperai. 4. Majores à lacere regis residentes : but the illis. Chief Julice is only cased by the king, Capitalis Justiciarius nofter. They are Bracilis 1. 100 called 4. Capicales, in respect of their supream juriloiction. 2. Generales, in refree of their general jurisdiction throughout all England, et. 3. Perpetui, for that they ought not to be removed without just raute. 4. Majores à lacere regis residences, for their beneur and fafety, that they spould be protened by the Bing in abministration of juffee, for that they be à latere Regis,

And where in's E. 4. fe in bolden by all the Juffices in the Grebequer chambet Ly. F. 320 that a man cannot be Aultice by Might but by Batent og Committion, it is to be unvertised of all the Rudges, fabing the Chief Rullice of this Court. But both the Chief Millice, and the rest of the Audges may be discharged by autzie under the

bear Deal.

Mone can be a Audge of this Court untelle be be a Serfeant of the begrit of the Coity and por in the Willis of Patent to them made, they are not named and an in last perjeants.

in ligs, before Bench, in 3 H.3. divers other fines

Coron. 361.

W. 1.ca. 29.

Vid.30H.6.37 2 30 E. 3.32 lt is

fraud where one

thing is preten- . ded, and another

Multiplication

Plenty.
Diffolution of

Monafteries, &c.

Informers.

Atturnies.

Concealer s.

of fuits.

Peace.

If a mazit be returnable Coram Jufticiariis noftris apud Weftm', it wall be returned in the Common pleas: but if it be returnable in this Court, it muft he Coram nobis ubicunque fuerimus in Anglia. Set the Second part of the Institutes,

-Mag. Cart, cap. Ir. and the exposition upon the same.

In former times fome ill dispoled Clerks of this Court, because they could babe no oziginal out of the Chancery foz debt returnable into this Court, they would fue out an original action of trefpaffe (a meer feigned action) returnable into this Court, and to proceed to Erigent, (where in truth the cause of action is for debt) and when the Defendant appeared, ac. all the former proceedings were wabed, and a bill filed for the Defendant for debt. This is an unfuft practife in derogation of the dignity and honour of this Court, and worthy of febere punishment according to the flatute of W. I. c. 29. When it is found out : Vide in the

sow that we may here say somewhat to a bulgar objection of the multiplication of fuits in law both in this Court, & other of his Pajeffes Courts at Weftm. moze then bath been in the reigns of E.3. R.2. H.4. H.5. H. 6. E. 4. and R. 3. It is to be obserbed, that there be fir causes of the increase of them, whereof two be general, and the other four particular. The general be Peace, and Wlenty: The particular, I. The diffolution of fo many Monafteries, Chanteries, oc. and the

3. The number of Concealogs. 4. The multitude of Atturnies.

Chapter of the Court of Common Pleas in the end thereof. difperling of them into to many feberal bands. 2. The fwarm of Informers.

Silent leges inter arma.

Concordia parvæ res crefcunt, ex opulentia li-

See the Preambles of the star. of 4 11.4.ca. 18. 32 H. 6. ca 7. a D minution of b Poff fions of Monast. and Chanteries, &c. 37 El.c. 3 21 Ja. cap. 2. Concealors.

6 21 Jac. cap. 4. Ste the Third pass of the Inft. vexatious relators, Informers, d Atturnics. Rot. Par. 20E. 1. Rot. 4. De Apprentitil, 15 R. 2. nu. 28. 4 H.4. C.18. 33 H 6. C. 7. See Rot, Parl.

not in print.

8 31 Ja, ca. 16,

For the first general: In the reigns of E. 3. R. 2. H. 4. H. 5. and part of the reign of H. 6. in respect of the wars in France, ac. and in the residue of the reign of H. 6, and in the reign of E. 4. in respect of the bloody and intestine wars, and in almost continual alarmes within the bowels of this Bingdome, between the Boufes of Lancafter and York, there could not be fo many fuits in law, as fince this Bingdom bath enjoyed peace, which is the first general cause. Peace is the mother of Plenty, (which is the fecond general causes) and Plenty the Purfe of fuits. In particular, by the diffolution of Ponafteries, Chanteries, c. and difperling of them, c. Apon the Catutes made concerning the fame (there being fuch a confluence of Ecclefiaftical poffeffions) there arofe many questions and doubts, whereupon fuits were greatly increased. 20 Infoze mers and Melatogs raifed many fuits, by infogmations, waits, ge. in the mings Courts at Westm. upon penal Katutes, many whereof were obsolete, incombenient, and not fit for those days, and pet remained as mares upon the Cubject. for as the subject might justly say with Tacitus, Prius vitiis laboravimus, nunc legi-3. Concealogs, Helluones, that endeaboured to Imaliow up Cathedral Churches, and the Ecclesialtical possessions of Churchmen, and the libinas of many others of the kings subjects. Lastly the multitude of f Atturnies . moze then is limited by law, is a great cause of increase of wits.

"But now on the other fide, to few what great hopes there is, that fuits in lab shall decrease, for that in effect all the particular causes of the increase of them are

taken away, which we have thought good to remember.

b Foz the firft, the flatute of 35 Eliz. cap. 3. bath remedied part, but the flatute of 21 Jac, ca. 2. bath giben a plenary falbe for the whole mischief, whereof you may read at large in the Third part of the Institutes, cap. 87. againft Concealours, turbidum hominum genus. . For the fecond, by the fatute of 21 Jac. cap. 4. Informations, ec. upon penal fatutes are to be beard and determined in their proper Counties, and not in the Courts at Westminker, whereby the beratious fwarm of Informers who are belt trufted where thep are leaft known, are banifped and turned again to their former occupations. Concerning Atturnies, the number are let down, and that they ought to be learned and bertuous, and as I understand, the Judges at this time have this matter in confideration. But belides there, there are some other Katuten made for abording and becreafing of beratious fuits. As an at in 21 Jac. Regis cap. 16. for limite tation of actions and abopting fuits in law, a good and beneficial law. Ano-13 H. 4. nu.63. ther Act at the same Parliament, cap. 13. for the further reformation of Ieo-

fails, a god lato fog ending of fuits. Another at the fame Parliament, cap, 8. to prebent and ounify abuses ill procuring of processe of Superfeders of the peace and good behabiour, out of his Pajefties Court at Westminster &c. bebereby infinite berations, troubles, and charges of the subjects are preben-ted. Another at the same Parllament; cl. 23- for abopting of beratious delays in causes by removing of actions and fuits out of inferiour Courts, wherein the former abuse was berations, griehous, and chargestie to the subject. A branch of an Act at the tame parliament, cap. 16. 102 pleating of tender of amends in an action of trespasse, Quare claus, fregic, for a trespasse to negligence, az inboluntarp, wberein the Defendant maketb no tifle, ac. ap ereel. dents, and necessary law soc shoulding of trilling and becations suits, especially see the grant of the last the same Parliament, cap, 2, against the last days napolies and new projects, oc. a great quiet for the time to come. Anno 3, Ca- against Man roll Regis nuncueap, 1. The pertition of Sight concerning the rights and there politic & Plants of all the Children of the Regim for their renote and outer and the pertition of old of all the Children of the Regim for their renote and outer ties of all she fliplects of this Mealin for their repose and quiet. Lasting the 3Car. Regist to repeal of so many obsolets penal statutes in a great mean of niminution of relacions this you hall atthes Swardos not mius ad vic

Afor the abobesaid general causes, viz. Beace and Blenty, long may they banprip by the goonelle of God continue witheut abute mithin this Mealin, it?

The Mings Beach bath authozity for great mifprifona and offences, to adjudge and inflict corporal punishment, as Pillore, Papers, and the like: whereof pour may read many prefidents in the Third part of the Inflitutes, pag. 319, 220. his reign, Anno Domini 978. indich elbeit it was be 3 in low to gram the Chife-

collection of England in Accession, per it probeth that then there been a Court of

faine : Ming Arbeiffane Wolune, thrit Charlieflore, 65.

bine, entire ?. Mirror fright, I.e primer conflictions verdenus per les viels roys, & c. o echatuic & vales, field, que ekelegin eve del'aborere le Pout nel remedial afan pleine fins difficultie. Figure e ekelegin fins difficulties figure e ekelegin fins difficulties figure e ekelegin fins difficulties.

is to charge Concerd out of which with tenebiel ulich, tobied was not then inflittered come en but of ince to be a Chart then the enance of that court build folder al. remediational be granted but bour difficulty, tobich falo continueth to this day. ired beener Ared thus much tour fing the Court of Chancers before the Couque C: and there is the Couque C: and there is the Court of th

there and week bereit and exercise we exercise well reflect to William the Conquerot, averation in the Conquerot, as

Large of Lad. Domes brevit de pure, Sec, irroralari debencia coralo Cancellaria.

dien exhibers, not brevia terris. There deferring dominorism reven zy E.t. c. 18. C. cellens & in regiltro Can a

stiger Edgar fest Adulch : King Eda'd had Thurkettle : King Edaoud the

For turker used that there tues a Court of Charrers before the Break time, auf of which were remedial tilued, as they so to this vap : hear what the

be the properties it is maitten than, Ego Mauritus Regis Canadiarus is versalite, & lighten a rights Bandon of Morrhelm in in Norff, taba transitives the factor i bettord, tast also Concerts; the Conquerci. Correleen Angua der mer eft, at lecandus & Regen regno labertur, nealera parce ligilli regil, quod & ad ejos pertinet cultodium, propria lignet men.

Pleta for b. El incer excers quodding chic & quod dicture Cancelline, quod uno provide & different us emilion vet senso in the dignitudable committee from the committee from the control of the Cancellar' owners to Angliant the thirty with the control of the control

Angle of themsis, Walter, & Scot. constigue ingues transmitted to the description of the deliberation of t pleatorem, anorone fit and in the place of the design of a control of the model of re's etemperare, & ets leper ou boet bus injuliarem ellestament additioner em

the Conquell. Cais Ca c .8 .co. An analla de sida

lugas . a sidedid doop dan 37890

The court of Chancery, and were comed to the court of Chancery.

E The Antimity of this ? Cours flat 26 E.3:aff.p. 24. and the preface to the third book of Reports Hillory of Ely. Hugo Petrobur genfis, Leland. Fortefc,cap. 17.

In the 2d. book Ely, written in the reign of K. . Steph.loon after the Conquest. " Cui a Canc' Nora.

Mirr. c. 1. fect. 3. & vide c. s. fect. pur le envolments de pardon le roy in le Chancery en temps le roy Alfred. King Alfred began to reign An Dom. 873, and was father to King Edward Senior, fa-Athelftane. "Error Polydori.

Fitz Stephen the end of Stows data, &c. furvey of Lond. Bracton fo. Sec Glanv. I. 12. Ca. 1. & 5. &c. Fleta, l. s. c. 12.

Tertain it is, that both the British and Saxon mings bad their Chancel logs and Court of Chancere, the only Court out of which oziginal write boe tilue : As taking fome feto gramples befoze the Conquett. Edward the Confestor bab Reinbald bis Chancellog. This Edward granteb many Manors, Lambs, oc. and Franchifes to the Abbot of Westminster, and enderb bis Charter thus ; Ad altimum, cartam iftam figillari juffi, & ipfe manu mea propria figmum Crucis impreffi, & idoneos teftes annotari pracepi : and a mongst those witnesses this you shall finde; Swardus notarius ad vicem Reini baidi Regiz dignitatis Cancellarii hanc carram feriph & fubferipfi. De bab allo Lefrick to bis Chancellog. Sind Bigeding Mittitus; e modnelle et Ge

tring Etheldred alfo had a weetby name, and a worthy man to bie Chancelles. of the History of Rex Etheldredus statuit arque concessit quatenus Ecclesiam de Elye ex tune & femper in Regist euria Cancellaria ageret dignitatem, &c. . This Bing began bis reign, Anno Domini 978. which albeit it was boid in law to grant the Chancellozibin of England in fuccestion, pet it probeth that then there was a Court of Chancery.

Bing Edgar hab Adulph : Bing Edred had Thurkettle : Bing Edmond the fame : Bing Athelftane Wolfine, their Chancellozs, gt.

For further profithat there was a Court of Chancery before all thefe Kings time, out of which write remedial iffued, as they do to this day : bear what the Mirror faith, Le primer constitutions ordenus per les viels roys, &c. ordein fuit que chescun eyt del Chancery le Roy brief remedial a fon pleint fans difficultie. Bereby it appeareth that in the reign of Bing Alfred there was a Court of Chancery out of which weits remedial ifflied, which was not then instituted, but affirmed to ber a Court then in elle, and enaded that out of that Court waits remedial fould be granted without difficulty, which law continueth to this day. And thus much touching the Court of Chancery befoge the Conquelt : and therefore * Polydor Virgil, who affirmeth this Conrt to come in with the Conqueroz. perperam erravit.

In a Charter to the Abbot of Westminster by William the Conqueroz, a. ther of the faid mound the mitnelles it is written thus, Ego Mauritius Regis Cancellarius favendo legi, & figillavi. Arfastus Bishop of Northelmham in Norff. who tranflated his Se to Thetford, was alfo Chancellog to the Conqueroz.

Cancellarii Angliz dignitas est, ut secundus à Rege in regno habeatur, ut altempore H. 2. in tera parte figilli regii, quod & ad ejus pertinet custodiam, propria fignet man-

Omnia brevia de pace, &c, irrotulari debent in rotulo Cancellariæ.

Fleta faith, Est inter catera quoddam officiú quod dicitur Cancellaria, quod uno provido & discreto, ut Episcopo vel clerico, magnæ dignitatis debet committi simul cum cura magni sigilli regni, cujus subtitus sunt Cancellar' omnes in Anglia Hibernia, Wallia, & Scot' omnesque sigilla regis custodientes ubique præter eustodem sigilli privati. Cui associentur clerici honesti, circumspecti Domin Regi jurati, qui in legibus & consuetudinibus Anglicanis notitiam habeant pleniorem, quorum officium fit supplicationes & querelas conquerentium audire & examinare, & eis super qualitatibus injuriarum oftensarum debitum remedium exhibere per brevia Regis.

Breve de forma donationis in revertere fatis est in usu in Cancellaria,

W.2.13 E.T.C.T. 13 E.1.6.23,24. In Cancellaria & in registro Cancellaria. For the antiquity and authority of this book of the Reguler of the Chancery, 2 part inflict. the first part of the Institutes, Verb, per le Regulter, and in the Epittle fo the locality in the country and any content area. ninth book of my Commentaries.

But to proced (omitting many others) Robert Parning tob the Cate and de-Vide police, c. re gree of a Dericant at law in 3 E. 3. and became the Bings Dericant, and for his of the Court of Procedure of treellent knowledge of the laws, in Trio. Lettle 1. 4. E. 3. was 24 Julii Common pleas. by writ creared Chief Juftice of England : in which office he remained untill the 15 of December following, on which day he was made Lozd Treaturer of England. In that office he remained until the 15 year of the reign of the fame Bing, uninon eft fal and their was continued Logo Charlestour. Like man knowing that he exis, owher knew not the common law could never well judge in equity (which is a just care conferent. reation of law in some rates) did always fit in the Course Common Pless, 17 E. f. f. 1. 1. 1. (which Court is the lock and kep of the Common law) the pears matters in law \$2.37.

there debated, and many times would argue himself, as in the Report of 17 E. \$4.

In the 30 year of E. 3. Dir Robert Thorpe Chief Auflice of the Common Pleas (not Dir William Thorpe Chief Juffice of England, combined of formio beibery) a man of fingular subgement in the lates of this Realm, was conditioned by the Lord Chancellour of England. And in the Parliament Anno 45 E. 3. A Le Parliament griebours complaint was made by the Lords and Commons, that the Realm 3. Received and before of long time governed by man of the Church in differition of the Crown, and before the Leguer only be principal Officers, etc.

After the veceste of Dir Robert Thorpe & Julii Anno 46 E. 3. Dir John Knivet Anight, chief Juffice of England, a man famous in bis profeftion, was ninbe Lozo Chancelloz of England, tobe beceafed in Anno 50 E. 3. cc.

In peruling the Molls of Bartiament in the times of thete Lord Chancellogs , Rot. Parl 9R. we find no complaint at all of any proceeding before them. But fon after, tober a Chancellour was no professor of the law, we finde a griebous complaint be topole body of the Mealm, and a Petition that the most wife and able mention the Mealm might be chosen Chancellogs, and that he lied to redecile the enormities of the Chancery. But leading many other Records to their prosect places bereafter, we will conclude this point concerning the antiquity and justification of this Court with the apinion of all the Judges of the Realm in 9 E. 4. in a fute in the Court of Erchequer against the Clerk of the Hamper in the Chancery upon his account in the Erchequer, when it was holden by all the Inflices in the Grebequer Chamber, that all the Courts of the King babe with time out of memory, to as a man cannot know which of them is the ancientals Court. And Justice Yong the plaintiff demanded of the Justices, what if the Chancellour commands me upon a papin, that I shall not fue him? Lo whom Billing the chief Justice answered. Pour are not bound to obey it, because that commandement is against late: But being that coucherh upon the jurifoid ion of the Court, let us in the next place bandle that point.

The Jurisdiction of the Court.

In the Chancery are two Courts, one ordinary, Coram Domino Rege in Camas E. 4. 5 cellaria, toberein the Lord Chancellour of Lord Meper of the Great Deal 9 E. 4 15. proceeds according to the right line of the laws and tratutes of the Mealm, fecun- 14 E. 4-7.

dum legem & confuetudinem Angliz. Santher extraordinary according to the fo. 65. b. rule of equity, fecundum aquum & bonum, And firth of the formet Court.

" We hath power to bold plea of Scire fac' for repeal of the mings Letters pas c Rot. Par. 8 H. 4 tents, of Petitions, wonftrans de droits, trabertes of Offices, Partitions in an. 122.18.3.1. Changery, of Scire fac' upon recognitances in this Court, Milita of Audita querela, and Scire fac' in the nature of an Audita querela to aboid executions in this Court; downents in Chancery, the Witt de dote affignanda upon offices d Regis. 297. Count, downents in Chancery, the Witt de dote affignanda upon offices d Regis. 297. found, execution upon the Statute Caple, or Recognizance in nature of a Star Prac. Capture Caple upon the Act of 23 H. S. but the Execution upon a Statute merchant Rec. Par. 18 E. is retognable eliber into the Kings beach, or into the Common pleas, and all mi, 41, 42.

Officina

performed actions by ar against any Officer or Gimilier of this Court in respect
of their firbics or attendance there. In these sithe parties bettern to situe, this
Looden.

H. S. R. S. Jahre minoritatem. And in this Court the Lord Chantellant of the Lord Reppe is the fole Rubber and in the Kings Bench there are four Rubges at the Lord.

Officina
Justicia.

Chie Court is Officina Lultius, out of which all original writes, and all Convincionium which path under the Creat Seal of first, which Creat Seal is Chavis regul, and for thate sum that Lourt is there quest.

Fleta lib. 2. 12. Of this Court Fleta whi Ispra talth, Dictinum Brevia cum lint formatical filescentific exponent, ficut regula juris, rem and all previous verbis intentionem projectentic exponent, ficut regula juris, rem and all previous continear. Et lant, question for via formata lub fuis calibus, & quedam de corfu que conflict confus, regula furi formata lub fuis calibus, & quedam de corfu que conflict confus, regula furi formata lub fuis calibus, & quedam de corfu que confusio contraria solumitate. Sunt & Brevia ex eis fequenta que dicuntur podicialis. & lapins variantur fecundum varietates plactorum proponent. & repondent, percunta & explicitaria de legins variantur fecundum divernatem calquim, accorda de dicuntur magistralia de legins variantur fecundum divernatem calquim, accorda formula, laccum, aquot funt genera actionum, quia non protei quis fine brevi agere, pracquid el international diverse vel varia. Quia tot erron formula, laccum, quot funt genera actionum, quia non protei quis fine brevi agere, pracquid el international diverse vel varia. Qui tot erron formula, laccum, quot funt genera actionum, quia non protei quis fine brevi agere, pracquid el international diverse vel varia. Qui tot erron formula, laccum, quot funt genera actionum, en protei quis fine brevi agere, pracquid el international diverse vel varia. Qui tot erron formula, laccum, quot funt fine prevional diverse vel varia.

Esta de la contra tan non debent, fed jura ubique ferib politint. A quo? arrum videlicer per Clericum Cancellar' cui autoritas data fuerit, vel aufu temerario per alium ficut Clericum Juftic', vel Vic' ad proruntionem alicujus partiet quo cafa omnes agentes iemoling

d Regio. 197. Stanf prær. ca. Rot.Parit Bis.

b Stan prænc.:0 Pl.com.fo 7 \$. c Rot Par Bl. 4 ne. 122.3 R. 5.1.

fit necesse de his placitare in posterum, sed cum veneris querons deminem domir de la 72 mil regis. Il recens sit cognitio, vel finis, vaz intra annum per formya evanciation de la 8 de 18 de 1 pro qualitatibus & quantitatibus portionem concessi in eistem bre vibus imbeggia-buntur, & in rotulis Cancellaria irrotulantur. Qui quidem rotuli sugulis eabis ad Scaccar, liberabigitur, & fines bu jus extrahantur & per impanon Scaccar le-ventur. Clausula vero finis talis est, Et cape scouritatem à prefato talis de 40 doiseant al Seacear, inderdommer. & finds du ja extranama propato al la escribia de politicate de provincia de la contrata del contrata del contrata de la contrata del contrata de la contrata del contrata de la contrata de la

ment Roll of

et Common Pleas.

The Animal Ple Fining of E. 3.

bis

a R. z. fo. 3. a. refolyc.

27 E. 3. cap. 13. and betermine bibers offences and cautes in the Court of Chancery, which is eber 2 8.3. fo. 3. Intended in this Court proceeding in Latin, secundum legem & consuctudinem Dier 12 El. 288. Anglie, and the Defendanc than not be swort to bis auswer, not examined upon Anteregatozies; and upon iffic joyned it thall be tried in the Kings Bench, the in fimilibus cafibos folet. But out purpole is not to enumerate all their Ra-

this Court. See the 2. part of the Inft. W.3. ca.24. Verb. Ck-rici de Cancella-* In the Parliament Roll of

tues, to, our aim is principally at the general inriadiction of this Court.

Cofficers and De Micers and Piniters of this Court of Common law do principal-Minifers of ty arrend and do their ferdice to the Creat Deal, as the "twelve Paffers of this Court.

the Chancery, whereof the Paffer of the Rolls is the chief, who by their arise ginal infittution, as it is probed before, thould be expert in the Common lato, ta the the forming and framing of original write according to law, which are not of course; whereupon such are called in our antient Authors Brevia Magi-Aralia. The Clerk of the Crown, the Clerk of the Bamper, the Bealer, the Chafe war, the Controller of the Chancery, twenty four Curlitogs for making write of course of formed write according to the Register of the Chancery, the are called chief Clerk of the pretentations, the Clerk of the Faculties, the Clerk examiner of Letters Patents, the Clerks of the Petting, and the fir Atturnies. The process in this Court is under the Creat Seal accepting to the courts of the Common lato.

Babing fpoken of the Court of ogbinary jurisofition , it tolloweth according to our former division, that we then of the extraordinary proceding according to the rate of equity, secundum equam & bonum, wherein he will purios our former order.

COf the Anti-Gaunt Bifhop of of St. Eufebius. in the begin-ning of the reign of H 6. and in that Kings reign John Kemp Cardinal of St.

Albeit our ancient Authors, the Mirror, Glanvill, Bracton, Britton and Fleta, quity of shis do steat of the former Court in Chancery, and of designal toxits and Commissions of shis one islaing out of the fame, pet nous of them do once mention this Court of Equipality.

Leaving the same afte confidence what cates in this Court of Equity have him replaced in our books, and we find nous before the reign of Fl. 6. and in that kings fon of John of time, and atterbards plentifully, has then turned our eyes to Acts of Parlia.

Gaunt Bishop of time, and atterbards plentifully, has then turned our eyes to Acts of Parlia. Winch, Cardinal ments, and Parliament Kolls.

Dome habe thought that the flatute af 36 E. 3. gabe the Chancello; bis fir Lord Chancellor authority for his proceeding in courte of equity, by tobich it is enaced, That if any man think himfelf grieved contrary to any of the Articles above written, or others contained in divers statutes, will come to the Chancery or any for him, and thereof make his complaint, he shall prefently have there remedy by force of the faid Articles and flatutes, without elfewhere purfuing to have

John Kemp
Cardinal of St.

Rufeline Archbishop of York,
LordChancelor.

See Rot. Parl.

28 H.6. 101. 10.

38 H.6. 10.

39 H.6. 10.

30 H.6. 10.

30 H.6. 10.

30 H.6. 10.

30 H.6. 10.

31 H.6. 10.

32 H.6. 10.

33 H.6. 10.

34 H.6. 10.

35 H.6. 10.

36 H.3.

36 H.3.

30 H.6. 10.

30 H.6. 10.

31 H.6. 10.

32 H.6. 10.

33 H.6. 10.

34 H.6. 10.

35 H.6. 10.

36 H.3.

36 H.3.

36 H.3.

30 H.6. 10.

30 H.6. 10.

31 H.6. 10.

32 H.6. 10.

33 H.6. 10.

34 H.6. 10.

35 H.6. 10.

35 H.6. 10.

36 H.6. 10.

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31 H.6. 10.

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34 H.6. 10.

35 H.6. 10.

36 H.6. 10.

30 H.6.

37 R. 2. Ca. 6.

Varie Marietica

In the Parliament polden in 17 R. 2. It is enacted at the petition of the Comom New Tales, or cell, or in Chancery, by writs grounded upon untrue fuggestions that the Chancellor for the time being presently after that such suggestions be duly found and proved untrue. shall have power to ordain and award dammages according to

his diferention to him which is to mavelled unduly, as is aforeful od the men sembeth to the Chancellor proceeding in course of equity and extended that to a demurrer in law upon a bill, but upon bearing of the caute upon thete mords in the 7 E. 4. fo. 14. demurrer in law upon a bill, but upon dearing of the cause upon these mozds in the 7 E. 4 so. 14.

Ad [duly found and proved:] and this is the first Parliament that I find touching
this, names And in the Moll of the lame Parliament, I find the first decree in
Chancer that over I observed, the essed subserved was: John de Windsor toin Roc. Par. 17 Resplained and required to be restanted to the Parmore of Rampton, Cotenham and to Williams and Westwick with their appureunities in the Country of Cambridge, the Courtey log of indice have adjudged to him by the mings award, then in the postential of Williams land of the land of Windfor under the Bziby Deal, they fend warrant to the Chancellog to confirm made. ha the fame, which was done under the Great Seal by a special Injunction to Lifley, and to write to the Special to execute the fame. More this, Lifley by petition to the Bing requireth that the fame may be beternines at the Common fato, nots Kanding any former matter : the King accordingly by Priby Beat gibeth toarrant to the Chancellog to make a Superfeden, the tobich was done by Prives rant to the Chancellog to make a Superfeders, the lobich was done by DrivyDeal, after lobich Die Richard le Scroope bought the lang. Apon the repoint of the lobic matter, this fale was thought no Champerty, observing it was adjudged. Champerty, that the faid Windsor should take highlight by breaking that, but to Camb to the Common law, and that the faid Dir Richard should be britted by the day of the Rot. Par. 3 H. 4. Chancery, Crobeques by other places to any man to appear at a by high a pattle on, 69, either befoge the King and his Councell, of in any other place? Countries to the opinions pattle of the Common law a thereunes the King and before That such a law of the special points of the Common law a thereunes the King and before That such a law of the patitions of the Common weether, and be the contributed to the patitions of the Commons was supposed to the contribute of the con

Amongs the petitions of the Commons you has find this. That all write of Rot. Par. 3 H. 377 Subpons and Cerus de cassis, going affect the Chantet pand the Citizenter, maginus, do. Edmond, be encolled, and not granted of matter detectable at the Common law in Stafford Arabb. pain that the Plaintiff do pay by they of told the Defendant forty pounds of York, was L. where the plaintiff do pay by they of the the Defendant forty pounds. Chancellor at where mutuals answere, The King sould be advised and the control of the Common that the control of the contr

Me ig eparted, aldument until the next Parliament, that the exception (house Rot. Par. 9 H. 5. that the early bath fufficient remedies the Commontain) that distinct enter [20. 25. marrer in Chancery at the next Parliament of that fine adoption in thest nu. 25. marrer in Chancery at the next Parliament of the first of the first nu. 41. two dos. He may not be called in Prive Real at Subscine to antition in thest nu. 41. but fined as have nor embed by the Common fair, undifies a press to be the fee Never good Parliament of the Marriage suppose the parliament of the first half always appear topography perion, and fine furely ment dieth, but by recognizance to professive initiation who initiated believes the against the first damped to the first will have a marriage and the first damped first of last will be recognizance to professive initiation to be initiated.

But in anno 15 H. 6. for a perpetual law, and for the true jurifoldion of this Vidiup. p. 22. Court irie enacted in these tropes, a require to 15 de 1

Hem, foral much as divers persons have before this time been great- 39 H.6. fo. 36.

ly grieved by writs of Subpasse, purchased for matters determinable 48 4.8.14 H. 1.

by the Common law of this land, to the great dammage of such per-18 H. 4. 13.

sons so vexed, in subversion and impediment of the Obtamon law F. 4. 10. b.

aforesaid; Our Soversign Lord the King will; that the flattness there- Forces. ca. 34. of made, shall be kept after the form and effect of the lame. And that Rot. Par. 14E. 4. no Write of Subplima be granted from henceforth fill fillerly be found nu. 7. William to satisfie the party so grieved and vexed for his dammages and ex-bot. a sind pences 3. if so be that the matter may not be made good, which is cap. 18.24.50. contained in the bill. In Anno 31 H. 6. cap. 18.24.50. these weeks. Provided that no matter determinable by the law of this

SOL

Rot. Par. : R &.

nam Jano Realth?

squile of the same law in the Kings Cours having determination of the demarrer in late upon a heli, but upon bearing or the caute open thefe n. wal amo And daily found and proved: Janathis is the first Darlingion, that

7 1. 4 100 1436 Trin. 2 Jac.

Palc.se El. in Vid y El Die 33. Seignior Shindou cale C. Krafons

1. A majoriosà ad minus bem

Ret. Pat. 2 R. 2. nu. 18.

Rot.Par. 13 R.2.

Ir. 3 Jac, Regis, upon fuit made to the Ming for ereging of a new office rei taking of fusery accepting to the fait Act of 15 H. 6, cap. 4, she wing referred the caute to Pophami Chief. Author, who man conference with the Authorisms of certificet, refolded that the farety was he force of abot Act to be up obligation, and to be made by the party griebed himfelf, because it concerner bull bulling mayer and colles, and the Court was to second it concerner bull bulling gaten, and in the see the fair probable model and a man and immer of the obtiness and colles, and the fair probable model and a man and immer of the obtiness and colles, and the fair probable model and a man and the fair with the fair probable model and a man and the fair with the fair probable model.

6. 50 Rad Bertot the liber galow, that the fogfeitune fogenen diagramme bl'effige hali goto the party griebed the high Court of for under the Deivy s

J. Rot. Pares R. to punt 8. The bigh Court of Barliament reliebeth but fieb all The Barliament for matters detarminable at the Common late dots in the Common late dots in the Barliament for matters detarminable at the Common late dots in the Barliament for matters detarminable at the Common late dots in the Barliament of the Barliament for the Barliament of th

Ro. Par. 13 R. 2.

Augula.

2. Regula.

3. Character the Court flowers are and an animal for an deaned power of the Chancellog in this tale t and upon debate of the question in Court Wallers cale, you. A firet many the fair Look Gunnellant describing and the lands for the manual described and the lands of the person only and therein the land.

Wallers cale, you a firet to a firet the proper that of the person only and therein on the land.

Wallers cale, you a firet the fair Look Gunnellant describing and therein and the lands are lands and the lands and the lands are lands are lands and the lands are l

and the for not nestormance of the death impoled a fine thou bim! and upon proteste and the total nament of the Court of Chaptery graended the lands that Wallet had in Midd. oc. the epinion of the tobole Cours parte in amnibus, buth the Court of Crebe-

nt in annout H. 6. for a perserval law, and fortherene harifoid on of cianovia The Lord Chancellog og the Lord meeper is fole Andget buth in this Court of of the Court Courty, and in the Court concerning the Common lawbur in eales of incidet of Educy. Or districtly be both atter beinger with some of the Indias of the Scalin, and greatly despited that the main bereinfthe other up tale of the Lord Acemary of the Lord Ac o vexed, in subvertion and impediment of the worth addition hereof E. 4. 10.

Toma of the mulace of 1 to the control of the contr

Mberthiell is leegth all tintame reinftwence, impereut pou habe pfentiful authorities in our tobs.

The funde :

The rafe in the Chatterprobetwith the Cacle of Widerefter and other Plaine Mich 42 & 43

The rafe in ope Openter Situl bischoff Defendants man this. The Quien El. in Cancellar, - 1 stiffe, and Sit Minyl Finch and Ellin Cancellar. being feifer af the Panico of Rave from , and of certain Lands in Stokegolding- his cale, scheing feiter of the Spaniage of Ravelton y and be extained finds in Stokegolaing-his cale, sortopy (misich the Plaintiffeppetented to be a Spaning either in right of reputation) of manual the first part of the state of the spanings of Ravelton and Scakegolding-brown to the faithful grant of the distance of Rivelton to Interview that the opinion of Rivelton to Interview of Stokegolding for the first part of distance of Rivelton to Interview Fannes of Stokegolding for the faithful grant of distance of Rivelton to Interview Games of Stokegolding for the Height part of the Height of Thomas, so in Maryling and Andelyday of An interview application for the Ferming Trin, a 488.

One Bliz, find this Court for a particular plant distance and follow for Thomas.

Henage and his wife the Pannop of Roselitaism Scokegolding court another with their affects of the Principal of Rivelton in the County of Backs and all arbeit their is a standard Tomaribilities and Becautiffe on in the County of Backs and all arbeit their is a standard Tomaribilities and Becautiffe on in the County of Backs and all arbeit their is a standard Tomaribilities and Becautiffe on the Roseling Wellow Pelingloop and the standard Tomaribilities and Becautiffe on the Roseling Wellow Pelingloop and the standard Tomaribilities and Becautiffe on the Roseling Wellow Pelingloop and the standard Tomaribilities and Becautiffe on the Roseling Wellow Pelingloop and the standard Tomaribilities and t g Mannes, Memeriterites andrifferedicamentes in Revellon Weltow, Pelington lano Sink egolding obnesite the Country of Buchen It's have anothe between of Revenito augm the Boite of the fall Prings , continue the prentites in Research of the Red and a Printing of a monte sock egoding confus orbet then the life (paning) of a Brak egoding con) to ober fato, por Thomas and Danie denie , and the Peter of the Caid Dames Anne maint to have aundto dolo the fain Pannor of Setting. ram the fair Dir Thomas and Dame. Anne pantoute Dries of Dir Thomas, Dir Thomas han fille by the fally Dame Anise the fain Elizabeth Tone of the Defe naines histonoff chilori, san afternards die lain Wigner Ainer viert die Def nant, alleanger that Sir Thomas was wifether of Scokegoldingson band Minimissenser in. And after Si Thomas by Died inventes and modified it gainer and falls the Manior of Scokegoldingson for the Phintiss of paper of this Webs with the many for any manion of the Colors of the Angelians of the of his Webs and der and to payment of his Webs, they exhibited their Bill againft Sir Moyl, and the fair Eliz. his wife, for the fair Bannor of Sockegol-rathe be wan in the polt, but because the vigito of Antiericanow of Arieto be was des steaminable at the Commandate, and natin the Chancerponeicher hav Colle quitole if white he havits being have an ear in the Chancer post of the country, it may refolded all the multire behat abdutting that Sit Thomas Henesgehab a stuff yet A truft cannot s could not be affign the faute could so the Plaintiff, because it was a marter in this be affign'd over a foise bechoon them, universal accure of achose in attom, so, he had no power 22 kl. Dier so, which he have only to besteromeory by Sibperio and notifie to cell disc use for 369. pl. 50. a thereof there should be possession from a chief of the control of the c respect of there should be possessed from he should be stratute of allog sape of respect of there exists and he had privet over the charge of the stratute of allog sape of the stratute of the stratute of allog sape of the stratute of the stratute of allog sape of the stratute of the stratute of allog sape of the stratute of the stratute of allog sape of the stratute of the stratute of allog sape of the stratute of sape of the same of the sape of the sape of the sape of the same of the sape of the sape of the sape of the same of the sape of intuitely shounded by any into without then the country of the country in the control the at Suic for Existing the Common laws to Armas cololies which the Devindent links in sitte is the dence.

Alling, then the Court harbour multiation to process for the entirence, but if he distant by his Univer, then the Hand by his Univer, then the Plaintiff englished not to process, for another with the unit of the control of the cont

....the sid

Michiga & 43

Elin Centha

Sir Moyl Fluche

by the Common law Ball be veriben in Chancery in this Court of Equity. And thus were these points resolven by bir John Popham; bit Edmond Anderfon, St. William Periam, and Walmefly, Gawdye, Fenner, and Kingefmill Justices, and Clark and Savill Battins of the Exchequet, and all this among to ther things they certified under their hands into the Chancery, and thereupon the former decree was reversed. And in debating of this case it diamerically by the two Chief Justices. Chief Baron, and vivery upber gustices, that if a man make a conveyance, and express an use, the party himself arbit being shall not be receibed or anere a secree trust, other than the express limitation of theirse, unless such const. fuch crust or considence no appears in mairing Tox otherwise beclared by some apmeneut macter. And Popham laid, what cobin accinent, and breath of confidence dene within the proper jurildiction of this Court. Confirming and one openall

Mich. 39 & 40 ... Thomas Throckmorton Claute ethibited a Bill in this Court against Bir El in Cancellar. Moyl Finch Unight y claiming a Aleafe of the Mannos of Brand S. for many years to come, and foew clear matter in equity to be relieved anitalf a forfet. ture pretended by Die Moyle to, dreath of a condition wherethere was no fefaule anche Plaintiff, et. Unto police Will the Defendant pleanet this Plea, that for the stial of the forfeiturous which Leafe , the made a Leafe for pears to one paintledged in Enthequer ; who broughtan Ejedione firme againt the Plaintiff, and upon pleading a demucrer in Law, the Latte had judgement to recover against Thomas Throckmorton (nom Biaintist in Chancery:) whereupon Thomas Throckmorton brought a mic of Error in the Erchequer Chamber, where upon due proceding the subgment time affirmed, and bemanded judgement, it after these subgments given at the Common law he ought to be drawn to make any hitther antmer in this Court of Equity. And Egerton Loss Chancello; belivered his printer in Courts that the Befendant foulk antwer to the Bill: and foralming as the cale was of great confequence, the confideration of the Demurrer was by the Quien referred to all the Auges of England : before whom the Councell of Throkmorton late, that the intent of the Lord Chancellas was not to impeach the laid judgments, but confessing the late judgments, to be relieved upon macree in equity : As if a man bath (as he is aboled) two matters to aibe blin, matter at the Common law, and matter in equity, and being impleaded at the Common law, voch in appice of his Councell allay the Common law, where his abberfary prevaileth against him, and bath stagment accordingly, pet in this cale the party map, confesting the judgment, fue to be relieved upon a collaterai matter in equity : and thereupon they themed fome pretidents in time of H. 8. E. 6. Sec. and one in the point between Ward and Fulwood. But upon great be-liberation it was refolded by all the Judges of England, that the plea of Sir Moyle Finch was good , and that the Lord Chancellos night not to examine the matter in equity after the judgement at the Common law : for though the Lord Chancello; (as bath ben laid) would not eramine the judgement, pet he would t 27 E.3. capt. by his vecree take away the effect of the judgement a and for the Presidents, they were grammed upon the fale opinion of the Loto Chancellos, and palled fab filentio. But that fuch a course should be permitted, it should not onely be full of inconvenience, but directly against the Laws and Statutes of the Mealin, against W. 2. cap. 5. Inconvenience, but because against on prevail; which you may read at large in Vid. paich. 5 E.4. which no president ar prescription can prevail ; which resolution of the Annexa. Coram rege Rot the Third part of the Institutes, cap. Premunire. Which resolution of the Junges 35. Sir Simon was fignified by Popham Chief Justice to the Land Cancella, and thereupon no further proceeding was against Sir Moyle Finch, but his Bles from.

4 H.4 C.22,&C. in the preamble. Doct. & Stud. 30. orres cale

A Diffeifor ful-

i Eto no mufe.

be a filen's ove el L. Dier fo.

569. pl., 90.

Nors. Arther proceeding was against the Royal English Bill between Mears Plaintiff, Mich. 37 & 38 An a Cafe depending in Chancery by English Bill between Mears Plaintiff, ElioCapcellar. and Seint-John and his White Administrative of John Alvion Defendant; the ElioCapcellar. Cale mas this : That the Intelfate took the molies of the Lands of the Plaintiff being within age by force of a truft repoled in him by the Mather of the Plains tiff by his last takill, the yearly balue of which Lands was four leave pounds per annum, and the Inteffate took the profits from the 23, pear of Duen El untill the 33. pear of her reign, and with parcell of the profits purchalen Lands in fer which befrended to his Peir, and left affets to his Abministratrix one of the Defen-

AF . 22 . 44 Vide Campan

eriqui friu

dants to fatisfie the plaintiff, all vebts paid. The quellion was, whether in this cafe the Administratrix might not be charged in equity for the laid mean profits : And wir Thomas Egerton Paster of the Rolls faid, that he had feen a case in Chanterp in Anno 34 H. 6. refolved by all the Judges of England remaining in the Tomer, that where the Feoffees to use took the profits of the land, and received the rents, and made their Greencors and bled, leaving affects to fatisfic all nebts over and above the faid rents and profits, that the Crecutors hould be charged to fatisfic cesti que use for the said tents and profits, and accordingly it was decreed in Mears cale against the Defendant ; but whether the beir fould be contributory or no, it was boubted.

Withams cafe in the Chancery was, that a tearm for years was granted Paich, is El, in to the use of a seme sole; she cook husband and viev, whether the hunges; Withins case, have the use, or the Administrators of the seme, was referred to the Judges; Eborum, and by them it was resolved, that the Administrators should have it, and not Vide 7 E. 4. 14. the bushand because that this trust of a seme was a thing in privity, and in & 18 E. 4. 11 nature of an action, for which no remedy was but by writ of Subprens. And & 12. fo it was refolbed by the Justices in Waterhouses case, Hil. 8 Bir. Eborum, for the trust runneth in privity in this rate, and a husband should not be tenant by the curteffe of an ule, not the Losd of the Alliain thould have it at the

A man pollelled of a cearm fot years in lands, by bistaft Will bebifed the Trin. 28 Bl. adfame to one and the heirs of his body begotten, made his Crecutans and bled; the king Bench, in Deville entreth by the affent of the Executors, bath iffue and aliens the tearm Peacocks cafe. and dieth: this altenation barreth the iffue, for a cearm for years cannot be entapled. And afterwards Anno 3 t Bliz. in a cale vepending in Chancery between 31 Eliz, beiwein Higgins and Milles it was tertified by the Lood Anderson and Justice Walm- Higgins & Mills stey (to whom it was referred) that no estate tail could be of a tearm, and that in Cancellaria. the alienation of the Devilse div bat the issue; John and Wall de devilse die

The allenation of the Period Die the time.

In a Premigire between John Perrot Plaintiff, and T.M. H.W. and others Mic. 26 & 27 El. Wefendants, it was reloided by his Christopher West Chief Judice, and the Perrots case.

Court of Jaings Bench, that the Quien could not raile a Court of Court by her to H. 6. 15, in Letters Patents, and that there could be no Court of Cquity but by Ad of Pars London by preliament, of by prestription time out of mind of man. But the Duen might feription continued of the Common law, but otherwise to is of proceedings extra the Court of Re-

Delicates which upon to great and mature veliberation have bein reloived after, cap 9. by the Anoges of the Realm, and whereunco we were polop and well acquaints to with, we have thought good to report, and publish to, the better direction in and configue and with party.

like cales hereafter.

the is made Lord Chancellor of England, or Lord Rieper of the Breat Seal, How he is per traditionem magni sigilli sibi per Dominum Regem, and by taking his Dath. created.
Forma Cancellarium constituendi reguante Henrico secundo fuit appendendo Camden p. 131. magnum Angliz figillum ad collum Cancellarii electi.

point have gotten to by Letters Patents , sat will, and one for tearm of a 35 H.6.3.B. his life; but it was holven void, because an antient office must be granced, as Winch. r H. c.

It is enacted and declared, that the Common law of this Realm , El. c. is and alwayes was, and ought to be taken, that the Keeper of the Great Seal of England for the time being hath alwayes had, used, and executed, and from thenceforth may have, take, ule, and execute the fame and the like place, authority, preheminence, jurisdiction, execution of laws, &cc. as the Lord Chancellor of England for the time being lawfully used, &c. And to it appeareth in 18 E. 3. nu. 41. that the Logo Roc. Par. 18E 5. Chancellog of Logo kieper for the time being ought to have conulance.

a Rot. Par. 1H.6. nu. 13, 14. 13 R. s. nu. 7. Vide Camden ubi fupra. b Stat, de forma mittendi extrad. in Scaccarium, Anno 16 E. 1. vet. Mag. Carta, 2 part. fo. 47.b. 2 part.fo. 57, &c.

3 finde that thing it a panetus great Seals; one of Bold, which he nelines red to the Wilhop of Dureling, and made bim Lood Chancellour of England; and another of Silver, which thing Henrie the 5 Delivered to the Biffop of London

William de Ayremin Garden des Rolles del Chancelar' & fes compagnions gardens del Grand Seale. At this time was Robert Burnell Bifhop of Bath ann

Wels Chanceloup of England

E It is to be observed, that where divers antient Statutes Speak of the Chancolour and of his Lieucenant, it must of necessity be intended of fucha Lieuces nant, as the Law both allow of, and that cannot be of a Deputy, for the Chances de liberations. Lour cannot make a Deputy; but Locum tenens is to be taken for one that helpeth perquirends, the place, or bath equal authority of the Chancelour; and that is Cuffor Magnity of the Chancelour; and that is Cuffor Magnity of the Locum tenens is to be taken for one that helpeth ver. Mag Carra, the place, or bath equal authority of the Chancelour; and that is Guifor Magnity of the Locum tenens is to be taken for one that helpeth very large of the fair partiament in Elizabeth with the judgement of the fair partiament in Elizabeth with the judgement of the fair partiament in Elizabeth with the judgement of the fair partiament in the line of the fair partiament in the large partial to the fair partial to the the place , on bath equal authority of the Chanceloup, and that is Cultos Magni But all questions are now taken away by the fair Act of g Eliz. and at this ago. 1 3 8 4 bere being but one Great Deale, there cannot be both a Logo Chancelour and & Lord Beeper of the Great Seal at one time, because both these are but one offe fice, as it in declared by the fair Act. It is fair before, that the Chancelour by his ordinary power may halb plea of

Cancellariw unde.

ode in the

Scire fac' to repeale the Bings Letters Patents under the Great Beat being alwayes involled in this Court, which we (to make a true begivation of his name This Whall now particularly touched This Whit of Soire fac' to repeal Letters Patents both live in this opinary course of Julice in three cales. The first, when the Dier 3 Eliz, 137. Ihing by his Letters Patents both grant by leveral Letters Patents one and the 2 E. 3. 7. Cell-lame thing to leveral persons, the former Patentee thall have a Scirefac' to 17.E. 3. 159. repeal the fecond Patent. Secondly, when the king granteth any thing that is 21 E. 3. 17. grantable upon a falle linggestion, the king by his Prerogative Jure Regio may Lib. 2. fo. 14,810. babe a Scire fac' to repeal his own grant. Thirdly, when the King with grant any thing, which by law he cannot grant, be Jure Regio (for advancement of tue Mice and right.) may have a Scire fac' to repeal his own Letters Patents. Sow the Jungement to all these tipes cales is, Qued predicte litere patentes dicti domini Regis revocentur, cancellentur, evacuentur, adnullentur, & vacua, & invalide pro nullo penitus habeantur, & teneantur; ac etiam quod irrotulamentum corundem cancelletur, caffetur, Seadnihiletur, &c. Beredfour Loo Chancellour of England for forein Chancellours, it may be, have not like authority) is callen Cancellaring, & Cancellando, i & dignion parte, being the highest point of his Jurilbidion to cancell the Bings Letters Patents under the Great Deale, and

damming the involument thereof, by drawing frikes through it like a lettice. The Lord Chancellours Oath.

2. Rot. 8, the Outh recited.

A HELLER A

And all this which hach him late concerning the Diffice of the Lord Chances lour, or Lord Bener in inchined within this Dath, which followeth in these words, and confifteth upon fir parts. We hall fwear,

a Rot. Par. 10 Rp 14. That well and trulp be thall ferve our bovernign Lord the thing and his 2. Not. 8, the b People in the Office of Chancellour (or Lord Keper.)
Outh recited.
Vill Rot. Part. 2. That he hall no right to all manner of People, poor and rich, after the

11 H. r. nu. 28. Laws and Wlages of the Rentm. mallane om

b Bossus he . . 13. Abat he shall truly counsell the thing, and his counsell he shall tapne hach gower of wand keep. The the fall not know nog fu

4. That he thall not know not luffer the hurt of vilheriting of the king , or that the Rights of the Crown be vecreafed by any meanes, as far as he may

Par. nu. 8. 14. 166 its. 1 sin 2 o was norman of the state of the stat same and the like place, suchointy, preheminence, juridiction, execu-ingilian, how

kwinlly ised Sec. That it appeares in 18 B. 3. nu. 41. that ine 1 out

lawfully uted.

confinancement of collaborate of pour Phighnels, not pour leis blighnels absertiled une gradie il authir delles againft Cardinal Woolfeyils or geien sonni ca

Som for an much as the Articles exhibited to King H. 8. 1 die Decembris
Anno 21 of his reign, by the Lodds and others of his Propy Councell (whicher vid Artic. 20,
Soir Thomas More Lodd Chancellor was one) and by two of the principal 21, 26, 38, 41.
Images of the Realm against Cathinal Woolfey, but in divers of the Articles 42, 44, 46.
concern the jurification of the Chancery, (viz. the 20 and 26 Articles, 42.) and other pittles of this Fourth part of the Institutes, we have thought good falling and renerly is tradicive from the very Original, univer the proper hands of the Lodds and others of the Phipp Councell, and other law lunges (which we have feen and there in our rustops) and have compared this Transcript with the Principal and hav in our custooy) and have compared this Transcript with the Brigmai it felf, and have (because they are of great weight and ute to many purpoles) transcribed it de verbo in verbum without amilion of any thing, as matters of that nature ought to be : and the rather, for that in our Chronicles they are very untruly rehearled : and before this time (that me finde) the true Articles were never printed.

Contrained by necessity of our Fidelity and Constience, complain and shew to your most Royal Majesty, we your Graces humble, true, faithfull, and obedien Subjects: That the Lord Cardinal of Two, lately your Graces Chancellour, preluming to take upon him the authority of the Popes Legate Designer, bath by divers and many fundry wayes and fashious committed high and notable grie vous offences; missing, altering, and subverting the Order of your Graces laws: and otherwise contrary to your High Honour, Prerogative, Crown, Estate, and Dignity regal, to the inestimable great hinderactic, diminution, and decay of the universal westen of this your Graces Realm. And it is touched summarily and particularly in certain Articles here following; which be but a few in comparison of all his enormities; excesses; and transgressions committed against your Graces Laws.

Lews.

There is it lay:

There is it lay:

There is no lay:

The loveraged.

The loveraged.

England, being hings of England, have been to tree, that they have had in all the ty, prerogative, that they have had in all the ty, prerogative, things touching the Regality of your Cromn of England, and the lame prevention and freedom of thence, prerogative, furtherism, landfull and peaceable polletion your Grace and pour upble Progentors have had, user, and enjoyed, bottly in interruption of England. butinels therefore by the space of 200 years and more whereby pair Chaire may prescribe against the Popes Polymels, that he house not more to fend Prescribe.

or make any Legace, to execute any antionicy Legatine contrary to your Graces Presonative within this point stealm. Somethe Lord Cardinal of York being Cardinal of York being continuanted Liege bosh, part of his high, orgallous, and infattable minds, for his other lingular advantement and profit, in decogation, and to the great implemishment and burt of your late Regal Juriloidion and Presidents, and to the great indication whereof the patterior of the land, but part of the long continuance of the patterior of the land, but any bearing the late the late Authority Legatine is by the late Authority Legatine, that supplied and taken away from many boules of keligion within this your Realm much part of their Juriloidion, in decognition of your Presonative, and to the great furt of Ordinaries of their Iuriloidion, in decognition of your Presonative, and to the great butt of Ordinaries.

2. Also the late Lord Cardinal being point Ambalfabour in France, made a Ambalfadour. There is not named in the fame, and buttoing the late Prench lating to above his other and award if any controders or doubt should arise upon the same, betwirt bulinels therefore by the space of 200 years and more ! whereby pour Brace

order and award if any controvertie or doubt froud artie upon the fame, between the law Bope and the French Ling.

3. Alto the late Lord Catvinal being phile Amballabille in France, fent a Amballadour. Commission to Sie Gregorie de Callalis allete pour Bredt Sente in pour Graces name, to conclude a Trenty of Amiry with the Duke of Ferrare, without any

Great Profes,

Pravision. Premunite.

commandement of Marrant of your Dighnels, not your faid Dighnels advertised

4. Allo the fath Lord Carvinall, of his prefemptuous minne, in vivers and many of his Letters and infructions lent out of this Realine to outbook parts, had someth himself mith your Grace, as in laying and writing, his king and swould ye should do thus. The king and I doe give unto you our hearty chanks. Whereby it is apparent that he uses himself more like a fellaw to your Dight

nels, than like a Subject.
5. Alip, where it hath ever been accultamed within this Regim, that when Stable Den ba Imear their Bouthold-lervants, the first part of their path hath been, that they should be true Liege-men to the hing and his Beirs hings of

neen, that they should be true Liegeomen to the liting and his Heirs kings of England. The lame Lood Carbinal caused his Servants to be onely smoon to him, as if there had been no Soberaign above him.

6. And also indereas your Grace is our Soberaign Lood and Head, in indom standers all the survey and mealth of this Mealin; the same Lood Carbinall knowing himself to have the soule and contagious disease of the Great Pocks woken out upon him in divers places of his body, came vally to your Grace, rounting in your ear. in your ear, and blowing upon your malt noble Grace with his perilous and in-fective breath, to the marvellous banger of your Highnels, if God of his infi-nite goodnels had not better provided for your Highnels. And when he was once healed of them, he made your Grace to believe, that his dileale was an Imports

bume in his head, and of none other thing.
7. Allo the laid Lood Cardinal by his Authority Legatine, bath given by presention the Benefices of divers persons, as well Spiritual as Temporal, courses ry to your Cromp and Dignity, and your Laws and Statutes therefore provided : by realon whereof he is in danger to your Grace of forfeithre of his Lands and Goods, and his Boop at your pleasure.

8. Also the lain Lord Caroinel taking upon him otherwise than a true Couns sellour ought to bo, hath used to have all Amballadors to come first to him alone, and so hearing their charges and intents, it is to be thought be but instructed

and so hearing their charges and intents, it is to be thought he hath instructed them after his pleasure and purpose before that they came to your presence, construct he pour Braces mouth to him given; and also to other persons sent to him by your Braces.

9. Also the said Lord Cardinal bath promised so, that all manner of Letters sent from beyond the weat o your Bughnels bath comen first to his bands, contractly to your Bigh commandement by pour dum mouth, and also to others sent to him by your Brace; his reason whereof, your Bughnels, not any of your Councell had knowledge of more matters but of such as it pleased him to their them; where hy your Pighnels and your Councell have been compelled of very some to follow his princes. Which offertimes were set south in him under such early and consert. bis dedices, which offencimes were for forch by him under such crafty and covere meanings, that your Dighnels and pour Councell date offencimes been abused; insomuch that when your Councell babe found and pur divers doubts and things, which afterward have ensured, he co abuse them bade used these words. [Awill lap my Dead that my such thing while happen.]

bing charge to make elpiall of things done beyond the Sea, fould at sheir return come firth to your Brace, nor to any other of your Councel, but onely to himfelf :

and in cale they did the contrary, he punished them for their to doing.

11. Allo the laid Loid Cardinal hach granted Licenses under your Great. Seal, for carrying out of Grain and other Cicuals after the restraint bath been made thereof, so, his own succeased and angular advantage of him and his lervants so, to lend thicker, as he have been favour, without your Graces Warrant or

inothicage thereof, now a final the many years together not once to make the late to the late there resident with other Princes in his own name, all appetitenests concerning pour Prices affairs being in their things and the language his Letters were many things of his own minus without pour Prices. amadmentina o a

The King and I.

Great Pocks,

Provision. Premunire,

Counfelleur. Forein Ambasfadors, ETSV

Letters fent from beyond Sea.

First to him.

Councell.

Forein Ingellia

Andronies Lega-

Licenfes to tran-Sport Grain and Victualle Toda

Ambaffadours ther Princes.

pleasure known , concealing bibers things which had bein necessary the them to know; but also caused them to write their amerificments unto bim. And of the same Letters be used to conceale for the compassing of his purpose many things both from all your other Counfellours, and from your fell allo. Il

13. Alfo tubere good bofpitality bath been uled to be kept in Boules and plas Holpitality in ces of Religion of this Reality, and many paos people thereby relicion the late has Houles of Reli-lyitality, and relief is now becaped a not uledgand it is commonly reposted has the onderayed. occasion thereof is, because the fair Loop Carbinal hard taken tueb to of the Rulers of the lain Boules, as well for his favour in making of Moder and Poriors, and for his vilkation by his authority Legatine. And pet nevertheless take heth yearly of fuch Religious boules, fuch yearly and continual charges, as they Yearly charges, be not able to keep befritality as they mere ulen to bo : which is a great coule that there be fo many Magabonds, Beggers, and Thieves.

14. Alla where the lame t. Caroinal faio before the suppression of fuch houses Suppression of as he half suppressed that the notificions of them fould he fet to ferm among houses. pour Lay-fubjeon after fuch reasonable yearly rent an they fould well thereupon Reasonable rents live, and keep good holpitality: and now the bemeine polletion of the fame boutes fince the suppression of them had been surveyed, mete, and measured by the Acre, and he now fet above the value of the old rent. And also furh as were fers Above the value. mors by Covent leal, and Cappholders be put out and amoved of their fermes, or elle compelled to pay new fine contrary to all equity and confrience.

17. Alle the laid Lord Cardinal litting among the Lords and other of your most home.

molt bonourable Party Councell , nieu bimlelf, that if any man would them his Abuled the Privy minde, according to his buty, contrary to the opinion of the fait Cardinal, he Councell. mould to take him up with his accustomable words, that they were better so belo their peace than in speak, so that he would bear no man speak but one or two great perforages, fo that he would have all the moras himfelf, and confirmed much time All the words with a fair cale. with a fair tale.

16. Also the faid Load Carbinal by his ambition and mitte bath hindered and Ambition and undone many of your poor Subjects for mant of nisparchment of matters; for he pride. Want of different mould no man thould messale him himself, informed that it bath been affirmed Want of different mould no man thould messale him birnself. by many wife men , that ten of the waft wifelt and most expert men in Bogland No man to medwere not lufficient in convenient time to ogder the matters that he manto retain die burhimfelf. to himfelf. And many times be deferred the ending of matters, because that fui- Sucers to accord. ters thould attend and mais upon him, imperest he had no fmall pleasure, that his Doule might be replenishen with Suiters fon

17. Alfo the faid Appl Cardinal by his authority Legatine bath uled, if any Taken the goods Spiritual man habing any rieben op fubftance, beceated, be bath taken theit goods of Spiritual men as his own, by reason whereof their wills benot performed and one mean be had deceased.

to put them in fear, than were more Constitute, in refuse to medile.

18. Also the faid Land Cardinal constrained all Didinaries in England yearly All Ordinaries, to company with him, we else he will usure half or the whole of their juvishties acree compound on by prepension, not for good order of the Diocesses, but so errors treasure; for with him, there is never a poor Accidences in England, but that he paid yearly to him a portion of his Living. It mem gut g dub ; נטמניטט:

19. Alfo the fain Louis Cardinal bath not onely by his untrue fuggettion to the Stadered religi Pope lamefully landered many good religious Houses, and good permous our house of the men dwalling in chem, but also supposted by reason thereof above thirty Houses. By authority of Keligion. And where by authority of his Bull in thousand in the men of keligion in number above the number of 6.027, he sed 30 boules of both than thousand a first his Ball supposted but the manner of 6.027, he sed 30 boules of both than thousand a first bull of the first bull of hath lupppelled divers Poules that had about the number. And thereupon hath Reli cauled others Offices to be found by vernici unusualy, that the Meligious persons so Offices to be supported had voluntarily foolables their fair Houses, which was untrue, and so found untruly, bath cauled open persons to be commissed, stocke high displeasure of Aimighty Perjury.

Dod. Hanger to : onthe alternande of

20. Allo the faid Lood Carbinal bath eramined bivers and many matters in ters in Chancethe Chancery after judgement thereof given at the Common law, in fubberfion ry after judge-

into Imposition

of your laws, and made fome perfons reffore again to the other parentonbening ed that, that they had in execution by bertue of the Judgement at the Common lam. H 210

Injunctions, si edicidul

21. Allo the faid Lozo Cardinal bath granted many Injunctions by Wirit, and the parties never called thereunto, not Bill put in against them want by reason is a court thereof, dipers of your Subjects have been put from their lawfull pollellion of ... their Hands and Tenements. And by fuch means he bath brought the more party His Services of the luiters of this your Realm before himfelf, whereby he and divers of his ferbants have gotten much riches, and your Subjeas fuffered great wongs.

rich. The Popes par-

23. Allo the fair Load Carvinal to augment his great riches bath caused dis dons. bers pardons granted by the Pope to be suspended, which could not be revibed, till that the faid Lord Carbinal mere rewarded, and also have a yearly vention of

Oppression.

23. Also the law Lord Cardinal not regarding your Laws not Justice, of his except power hath put out divers and many fermors of his Lands, and allo Pas tentes of the Archbispopick of York, and the Bispopick of Winchester, and of the Abbey of St. Albons, which had good and lufficient grant thereof by your Lame.

Elections of Ab

24. Also the same Lood Cardinal, at many times when any Houses of Religio bors, Priors, &c. on have hen boid, he hath lent his Officers thither, and with crafty perswallons hath enduced them co compromit their election in him; And that before he named or confirmed any of them, he and his ferbants received to much great goods of them, that in manner it bath been to the undoing of the Boule.

Mad belock Vifired. Extortion.

25. Also by his Authority Legatine, the same Lord Cardinal hath visited the most part of the Religious Boules and Colledges of this pour Realm, and bath taken from them the twenty fifth part of their Livelyhood, to the great extortion of your Subjects, and berogation of pour Latos and Perogative, and no Law to bear him fo to do.

in nois day Injunctions.

26. Allo when matters have been near at judgement by Process at pour Common law, the same Logo Cardinal hath not onely given and fent Injunctions to Threatned Jud- the parties, but also fent for your Judges, and express by threats commanding them to defer the judgement, to the evident subvertion of your Lames, if the Judges would to have ceated.

27. Alla whereas neither the Bifhop of York not Winchester, not the Abber of Dr. Albons, nor the profit of his Legation, nor the benefit of the Chancery, nor his great pension out of France, not his Waters, and other inordinate taking could not luffice him; be hath mave his Son Winter to Tpent Seven and twenty hundred pounds by the pear, which he taketh to his own ule, and giveth him not past two hundred pound pearly to line upon! to and married

Pension out of France. His fon Winter.

28. Also where the law Logo Carbinal bio first fine unto pour Grace to have Legat De latere, pour affent to be Legat de latere, he monifer and folemally protested before pour Hispromile. Pariette, and before the Lords both Spiritual and Aemporal, that he would Northing lagainst northing by nor attempt by the vertue of his Legacy; that should be contrary to your gracious Percogative of regality, of to the bamage of prejudice of the Jurildiction of any Dedinary, and that by his Legacy no man hould be hurted not dice of prolinary offenden : And upon that condition, and no other, he was admitted by your juild clioned. Brace to be Legate within this your Realm: which condition he hat broken, Breach of proas is well known to all pour Subjects. And when that he made this promite, he was buffe in his fuir at Rome to billt all the Clergy of England both exempt and in number door the nued so houses or not erempt.

Or to the prejumile quitoring gim s Ball fapprele

20. Allo upon the fuit of the land Lord Carbinal at Rome to have his au-Mchaigion, thorica Legatine, he made untrue farmile to the Popes Bolynels against the Clergy of pour Realm: which was, that the Regular persons of the laid Clergy to the Rope of Clergy of your Realms which man, that the Regular persons of the faid Clergy the Clergy which works Dt. Paul witing to the and bommak Romans applyed to abominable finne : which flander to your Church of Engand that for ever remain in the Register at Rome , against the Clergy of this - 192 in the configuration of the common the realist the configuration of the configuration o

Untrug furmile

30. Alla

30. Allo the fair Lord Carbinall hab the the charge parties the Book of Boldon Oppression and Smith fate Bispop of Lincoln & Bispop Salage of Yorks Spatter Dalby and the exerction. Descon of Richmont, Matter Tanyers, Dogen Rachall late Bifhop of Duchami and of Dodox Foxe late Bithop of Winchester, contrary to thein mills, and your confirmately to be equal with your real Water lams and fustice.

131. Allo at the Oier and Terminer at Yorky Proclamation was wavechat every man thould put in their Wills for extension of Divinicies, and whomain Extension of the pers Bills were put in against the Officers obthe lain kom Caminal abeningtie | Indianan of on , for taken twelve pence of the points for probation of Aestanients, whereof execution of Options Bills were found before Justice Bearing the manual framework from the found before Justice Bearing the found by the laid Lord Carbinal removed the laid Indiancents into the Chantery by Oet the Chancery. tioteti, and rebutter the fato Piraberbert for the fame raufe. He dand one moland siorali, and revenue the later fil account hath butter and entercount whimfelf hyperafter Made debate be-and untrue cates to make diffraction and behave among the year shallest of paner bles of the Mealm, which tarrang to be promeded and publicated the same land with all middled Realm.

pour bubjens to ferbe bem with Caris forcieringe, and alld his Dervants fixing him. taken both Convant Carrell; Hill, and all other cliquely aryand Braces halodo Purvey accounted taken both Com and Cattell, Isth, and me objed ditum, anythis contrarent pour the Kings price, as though to have tien for your Grace, which is contrarent pour Vid in f. 35, 36. out of any rearm, with an animation to histor the late I

134. Allo the thin Lord Carolina hath midited himself in your midt heading Keeping great able Court, in heaping of as gleat ellars therethe your ablences as your phics efface in Court, mould have rone if you had been their preferring our ablences as your Divides ellars in Court, mould have rone if you had been their preferring our commercions? 1912 or mid 1933 y. Allo his Periodness by settle of pour Countilities in mider pour Broad head Purveyance, by him to their given, have when their Chirel and all behow when the land and select present in an incurrence between him to their given have not the behow the selection of the present in an incurrence between him to the behow the present the present in the present the pr

bate bone die dem Chare be pour Pretognetou, angatistiete purveyance. as pour Pourberon Laws of your Realm.

Laws of your Realm.

1136 Also whereast hat i been accustomer chargons Phi begoes the best homour? Purveyance, able Hombott have have pearly one of pour Romanan Relatively of St. Also as charged on four himses quarters of wheeler, touch they elast himself the Colorist has a colorist has a colorist has been for Abbot, that pour said Purveyance contains a colorist of the colorist has a colorist has been a colorist has a colorist has been a colorist has a

on obtain your Griden favour of parton; which was a preferment intention Agreeoperamp any Subfea.

any Subject.

11 38 Allo the law Less Catolinal vive and obtain him Div John Stanly Anight, which hav taken a favin by Cooper Scattle the Addington be pained and affect hards by his power and anight challed by Addington for painting the painting Pleer by the object of a part units the time and be removed the patch of Pleer by the object of a part units the time and be removed to be patched at a reteasethic Cooper to any less the ball to any less

ampehere view is the point Time being at St. Albom accepting to the girld in the control of the

The Cardinals

hat in the Kings

fade debate be-

~ Wals got

boult if it bat not ben lettet in femblable manner, wiet your Deal ftanding up on pour gates. And allo would of his prefumpulous minde habe openiy fet in the flocks within pour laiv Town your Clerk of your Parket. By which pres fumption and ulupation your Grace may perceive that in his heart be bath reputed himlelf to be equal with your real spajetty.

40. Allo the fair Lord Carbinal of his further pompous and prefumptuous minne bath enterpiled to joyn and implint the Cardinals bat under your armes in pour copy of groats made at pour City of York, which like bed hath not bein

41. Alfo: tobere one bir Edward Jones Clerk, Barlon of Orewly in the

Cien to be Done by any Dubjed in pour Realm befoje this time.

kept from him that he bare not beal with it.

County of Buck' in the eighteenth year of your molt Roble Reign let bis faib

darlonage with all Tythes and other profits of the fame to one William John-Parlonage with all Aprice and beger petitin which years, the Dean of the fair fon by Indenture for certain years, within which years, the Dean of the fair Carvinals Colledge in Oxenford precended title to a certain postion of Apthes within the faid Parlonage, supposing the said postion to belong to the Parlonage of Chichelly, which was appointed to the Priory of Tykeford lately supposited, where (of cruth) the Parlons of Orewly have been peaceably possesses of the fair portion out of the time of minde. Whereupon a Subpoens was directe en to the fair Johnson to appear afore the Lord Carbinal at Hampton-Court; out of any tearm, with an Injunction to luffer the late Dean to occupy the late postion. Thereupon the fair Johnson appeared before the fair Lord Cardinal at Hampton Court, where without any Bill, the fate Lord Cardinal committees him to the Fleet, where he remained by the space of twelve weeks; because he mould not bepart with the fair portion. And at the last upon a recognifance

#2. Allo where one Martin Decowra baba Leafe of the Mannos of Balfall for the County of Warwick to tearn of certain years ; an Injunction came to him out of the Chancery by with upon pain of a thouland pounds, that he should as both the possession of the same Panno, and laster Dir George Throckmorton Unight, to take the profits of the same Panno to the time the matter beyonding in the Chancery between the Lord of D. Johns and the said Decowra mere viscussed. And yet the said Decowra never made answer in the Chancery, ne ever as called into the Chancery for that matter; and now of late he hath received a like Injunction upon pain of two thouland pounds contrary to the course of the

made that he thould appear before the laid Lord Carbinal whenloever he was come manded, he was belivered out of the fliet; howbeit as pet the laid portion is lo

Common law.

Add Allo whereas in the Parliament Chamber, and in open Parliament communication and bevices were had and moved, wherein mention was an Merebes and er- incodent made of matters touching Perelies, and erroneous Sens; It was foo-Ken and reported by one Bilhop there being prefent, and confirmed by a good er of the same Bishops, in presence of all the Lords Spiritual and Tems posal then assembled, that two of the law Bishops were minded and desired to repair unto the University of Cambridge for examination, resormation and correction of furth errors as then famed and were reported to reign amongs the bindents and Scholars of the same, as well touching the Lutherane sed and opin bindents and Scholars of the lame, as well touching the Lutherane set aw onise prions, as otherwise. The Boyd Cardinal informed of the good minds and intents of the late two Bishops in that behalf, expectly inhibited and commanded them in my wise so to be. By means indexed, the lame errors, as they affirmed, expetitively in my wise so be greater place; saying surhermore that it was not in their detailes, that the laid Beredies were not punished, but in the said Lord Cardinal, and space it was no reason any blame or lack hould be aweeded to them so; his officers; inhereby it evidently appeareth that the said Lord Cardinal, bestwee all other his bathous officers, being highly to the langer and disturber of due and distribution of Beredies, being highly to the danger and peril of the whole body, and good histian people of this your Realm.

Subpoent.

Injunction.

in Bion not factor parden

Sur-angushir. - Qualisagesong A

adiai ealua

concous fects.

InnibA to deal

Laiks dauglure

Card kept

attique

to your most royal Majesty, That the Lozd Cardinal by his outragious pride bath greatly hadowed a long feafon your Graces benoz, which is most bigbly to be regarded, and be bis infatfable abarice and rabenous appetite to babe rithes and treature without meafure, bath to grieboufly oppretted pour por fub. tens with to manifold crafts of brivery and extortion, that the Common-wealth of this your Graces Mealm is thereby greatly becayed and impoterified. also by his cruelty, iniquity, affection, and partiality, bath subberced the out courfe and order of your Graces laws to the undering of a great number of your

loving people.

Please it your most royal Pajetly therefoze of your excellent goonelle towards the wheal of this your Realm and Lubieds of the same, to let such oze der and direction upon the faid Lozd Cardinal, as may be to the terrible example of other to beware to to offend your Grace, and your latos bereafter. And that be be so probided for, that be never habe any power, jurisoition or authority bereafter to trouble, ber, and impoberily the Common-wealth of this your Realin, as be bath done bererofoze, to the great burt and dammage of every man almat bigb and low, tobich for pour Brace fo being, will daily prap, as their buty is, to Almighty God for the profperous effate of pour mot ropal Pajeffy, "Chief Juffice long to endure in bonoz and good health, to the pleasure of Goo, and pour hearts of England, mod defire. Subscribed the first day of December the 21 pear of the reign of our 1Sir Anth. Firz. Doberaign Lozd Ming Henry the 8.

T. More. T. Norffolk, Charl. Suff. Tho. Dorfet. H. Exon. John Oxinford. Come of Com-H. Northumberland, G. Shrewsbury, R. Fitzwater, T. Rocheford, T. Darcy, mon Neas, a He was not

W. Mountjoy, William Sandys,

William Fitzwilliam. Henry Guldeford, * John Fitz James. † Anthony the Rolls, untill FitzHerbert.

celloz, and ended with the two Indges of the law.

There be in this Court many Difficers, Ministers, and Clerks of the Court, this office. the principal whereof is the " Matter of the Rolls, anciently called Garden des b Fortefc. ca 14. Rolles, Clericus Rotulorum, Cuftos Rotulorum. And this is an antient office o " See the Chargrantable either for life of at will, at the pleasure of the Bing. b The boule and ter of erection grantable either for life of at will, at the pleasure of the Bing. b The boule and ter of erection grantable either for life by King H. 3. nered to his office, is called domus Conversorum, so called because * king H. 3. by king H. 3. founded this house to be a house of News as should be converted to the true teligity Vid. Rot. Parl. on of Jelus Chaift, and there fould have maintenance and allowance, which 18 E. 1. nu. continueth to this day. Bing E. 3. anno 15 of his reign, by Letters Parents There were aannered this boule to the office of Cuftos rotulorum, and this office is grantable bove fourfcore by Letters Patents: foz the moze affurance whereof, and of olders things E.i. & peticion-worthy of observation, we have thought good to fet down an Act of Parliament ed in Parliament concerning this matter in thefe woods.

Bing E. 3. be bis Charter anno 31 of his reign old grant after the beath of c Rot. Pat. 11 Wilham Baritall then theper of the Holls and of the fame boute of Conberts of An. 51 E. 3. the Bings grant to the Beper of the Molls tog the time being, and annered it to which you may the fato effice imperperuum, and further granted that after the beceafe of the faid Hollinft.p. 1281 William, the Chantellog of meper of the Great Deal after the voidance of the 1282.
This office of kepting of the Molls to inditute fuccessibety the meyers of the dex bundello Molls, in dicta domo Conversorum, & custodes illos ponend, in possessione ejus. petic. Parl. anno dem, &c. This Charter was confirmed by An of Barliament, as by that tobich des rolles de la

followeth appeareth.

A nostre tresdoubte H, le Roy et son honourable counseil en cest Parliament meason des consupplie son petit Glerke William de Burftall Gardeiner des rolles de la Can- voerses de Loudres. cellarie, et Gardeiner de la Meafon des Comperfes de Londres quele eft de of the Rolls or voltre bonorable Patronage que come le dit William a ses sresgrandes cu- keeper is Garstages et reparille la Chappelle de les edifices du dit meason, et nostre of Converts of Sesymor le Roy dareine (que Dien afsoil) pur maintenance de la dit Chap- the Patronage pelle et meason a la prier du 'dit William granta pur luy et ses heires par or gift of the

Justice of the called Mafter of 11 H.7. ca.30. Do thele Articles began to be fubicribed by Dir Thomas More Lozd Chan- but never facali led in any Letters Patenti of for more relief.

Chancery & de la

ses Letters Patents que le dit Meason de Converse apres le decease du dit William demerera a tous jours as Gardein de dits Rolles pur le temps esteants tanque come ils seront en le dit office sans certain form comprise en Letters sursdites, Please a nostre dit' Seignior le Roy & Seigniors den Parliament confirmer la dit grant et les Letters Patents i sint ent faitz, et les choses comprises en ycels en ouier de charitie. Tobereunto full affent was giben by Authozity of Parliament.

Rot. Pat. 6 R. 2.

After which Act of Parliament John de Wakham Bardein og Beper of the Molls obtained of R. 2. in the firth year of his raign Letters Patents, whereby the Bings granted to bim & fuccefforibus fuis Custodibus Rotulorum the faid boute of Conberts; and the reason bereof femeth to be, for that in the said Charter of 51 E. 3. Sibi & fuccessoribus fuis wanted. This John of Walcham toas in 12 R. 2. Withop of Salisbury , and after Treaturer of England. Bereby it appeareth what effate the Patter of the Rolls hath in domo Conversorum. And this boule is the place where the Kolls of the Chancerpare kept, and are for called because they are written in parchment, and made up in bundles of rolls, that is tolay, of Charters, Letters Patents, Commissions, Deds inrolled, Me. cognizances, ac.

Thefe Mecozds fince the beginning of H.7. remain in the Molls, and all before

were transmitted into the Lower, and there remain.

Clericus noster Cuftos rotulorum & librorum Cancellar noftræ cum emnibus ad officium

Allo for further manifestation hereof, we have thought good to fet down a Letters Patents of this office in the 25 year of H. 6. and rather for that it was granted Authoritate Parliamenti, in thefe words. Henricus Dei gratia Rex Anglia, & Francia, & Dominus Hibernia, omnibus ad quos prasentes litera pervenerint. Sciatis quod eum nos tertio decimo die Novembris, anno regni no. firi decimo septimo constituimus dilectum Clericum nostrum Johannem Stopenden Custodem rotulorum & librorum Cancellariæ nostræ cum omnibus ad illud spect. officium illud spectantibus, percipiend, in eodem officio seoda, commoditates, Custodia domus & proficua consueta, quamdiu nobis placuerit. Et ulterius dederimus, & connostra Conversor perfeto de consueros de cons cefferimus eidem Johanni cultodia domus nostra Conversoru prafato officio pro inhabitatione dicti Custodis per progenitores nostros quondam Reges Anglia ab antiquo deposita, & annexa: Habendum & tenendum custodiam illam cum omnibus juribus & pertinentiis spectantibus ad eandem, prout in literis nostris patentibus inde consectis plenius continetur. Nos bonum & gratuitum servicium quod dilectus clericus noster Thomas Kirkby nobis ante hac tempora multipliciter impendit, indiesque impendere non desistit merite contemplantes, ac de fidelitate, circumspectione & industria ipsius Thoma plenius confidentes, constituimus ipsum Thomam Custodem rotulorum & librorum Cancellariæ nostræ cum omnibus ad officium illud spectantibus, percipiendo in eodem officio feoda, commoditates, & proficua consueta à tempore quo officium illud per Ceffionem feu alio modo quocunque proximo vacare contigerit, quamdiu nobis placuerit, Ex ulterius dedimus & concessimus, ac per præfentes damus & concedimus eidem Thomascustodiam dicta domus nostra Conversorum prasato officio pro inhabitatione ejuldem cultodis per dictos progenitores noftros abantiquo (ut præmittitur) dispositz & annexz. Habend. & tenend. eidem Thomz custodiam illam cum omnibus juribus & pertinentiis specantibus ad eandem quamdin ipsum Thomam dictum officium Custodis rotulorum & librorum prædictorum habere & tenere five occupare contigerit. Eo quod expressa mentio de vero valore annuo officii pradicti & caterorum pramissorum seu alicujus eorum, aut de aliis donis seu concessionibus per nos prastato Thoma ante hac tempora sacis in prasentibus sacia non existit, aut aliquibus Actibus sive Ordinacionibus in contrarium editis five ordinaris, ant aliqua alla canfa, re, feu materia in alique non obstantibus, In en jus rei testimonium has literas nostras fieri fecimus patentes. Teste meiplo apud Maidston vicefimo nono die Martii, Anno regni nostri vicefimo quinto. Authoritate Parliamenti. val and alang and all tib on the

Cuftos Rotulorum, &c.

DF latter times in the grant of this office he is fifled Clericus * parvæ bagæ, * Belonging un-Custos rotulorum, & domus Conversorum.

The Matter of the Rolls hath in jure officii, the gift of the offices of Sir See the statute

Clerks in the Chancery.

In the absence of the Lozd Chancelloz be beareth causes and gibeth orders. De in the third part of the Inflitutes, ca. Pramunire.

of 14 H.8.cap.8.

The Court of Requests.

Abing Spoken of the Court of Chancery, Swaged and governed by the Lozd Chancellour, og Meper of the Great Deal : It thall be fit in this See hereafter place to treat of the Jurisointion of the Court of Mequelle, toberein the the Courts of Lozd Priby Seal at his pleasure, and the Matters of Mequelle do affemble Faculties, pri and fit. And the egiginal institution bereaf was, that such petitions as were exhibited to the king, and delibered to the Patters of the Requests, Spould be peruled by them, and the party directed by them to take his remedy according to their case, either at the Common law, of in the Court of Chancery. And thereupon they were called Magistri 2 libelis supplicum; and in this respect this meeting and confultation was called the Court of Requelle, as the Court of Audience and Faculties are called Courts, albeit they beld no plea of com-

overfie. Those which in former times would habe this Court tobe a Court of judica: Caffaneus 7 part ture, tob their aim from a Court in France, which is called Curia corum quos fo. 136. b. Requestarum, i. supplicationum palatii magistros vocant, apud quos causa corum tantum agitur, qui regis obsequiis deputati, vel privilegio donati sunt : hujus curiæ Indices octo funt. But others taking this furifoidion to be to narrow, contend to babe it extend to all causes in equity equal with the Chancerp, and their decres to be absolute and uncontrollable. But neither of these are toarranted by law, as fhall evidently appear.

In the reign of H. 8. the Patters of Requells thought (as they intended) to See before, cap. ftrengthen their jurisdiction by Commiffion, to bear and determine causes in Chancery. Peequity. But thole Commissions being not warranted by law (for no Court of rots case,pag. 87. Equity can be raised by Commission) fon banisped, for that it had neither Ac See the Articles of Parliament, noz prefcription time out of minde of man to eftablif it.

Parliament, noz pzescription time out of minde of man to establistit.

* Mich. 40 & 41 Eliz. In the Court of Common Pleas, upon a Bill erbibited See Halls Chroin the Court of Requelts against Flood, foz default of antwer an Attachment nicle ubi supra; was awarded against Flood under the Pzibie Seal, to Stepneye then Sheriff and Guines learof Carnarven, who by force of the faid Wight attached Flood, and would not let ned preface to
bim go, until be had entred into an Obligation to the Sheriff to appear befoze the Inner Temhis Pajeffies Councel in the Court of Requetts : upon which Poligation the ple, about 16 El. Sheriff brought an Action of debt for vefault of appearance, and all this matter . Tr. 40 Eliz. in appeared in pleading. And it was adjudged upon folemn argument, that this Com.banco inter appeared in pleading. And it was adjudged upon tolemit argument, that this Stepney & which was called a Court of Kequells, of the White Pall, was no Court that Lloyd.Ro. 1157. bad power of judicature, but all the proceedings thereupon were Coram non Ju-Sec Halls Chr. dice, and the arrest of Flood was falle imprisonment, to as he might about the 8 H. S. f. 590 bond by Dures at the Common late, without ayde of the Statute of 23 H. 6.c.10. agreeth with the

The punishment of Perfury in the Court of Whitehall by the Catutes of law. 33 H. 8. cap.o. and & Eliz. cap.o. doth not gibe it any furisdiction of judicatures no mote than the flatutes that give againft a Baoler an action for an escape, or D 2 puftifbetb

. Regula.

· ne pr

punisheth a Baoler of his own wiong for ertortion, an officer of his own wrong shall be punished by the statutes in that case provided, and yet the states thereby make them no lawfull officers, so it is one thing to punish, and another to give authority. So it was justice in the Parliaments to punish perjury in the Capitable, although the Court were beloen by usurpation, and so before it appeared to be by the judgement in Stepneys case. See Beverleys case, lib. 4. 123, 124. and the case of the Dryhans of London, Lib. 5, so. 73. where it is called the Court of Requests, taking the same to be according to the Driginal institution. And as gold or silver may as current money passe even with the proper Artisteer, though it bath two much allay, untill he hath tried it with the Louchstone: even so this nominative Court may passe with the Learned as justisable in respect of the outside by bulgar allowance, untill he addicedly loketh into the roots of it, and try it by the rule of law; as (to say the truth) I my self did: But errores ad sua principia referre, est refellere, Lo bring errors to their sirt, is to see the fall.

The Author of the book of diversity of Courts written in 21 H. 8. doth not so

The Author of the book of diversity of Courts written in 21 H. 8. doth not so much as mention any such Court: nor the Doctor and Student who wrote in 23 H. 8. treating of matters of equity never mentioneth any such Court: nor fin any of the Reports of H. 8. or of any other before him, we find any mention made of any such Court. Herein, as in all other things, we have dealt clearly and plainly upon what authorities and reasons we have grounded our opinion: and when we undertook to write, we resolved to publish nothing reluctance consciencia, which we (by Gods special grace) have performed, without any spark of contradiction, or respect of any private whatsoeder: That Charge ever sounding in mine ear, that is given to all that take upon them to write. No quid falsum audeant, no quid verum non audeant. And although the saw be such as we have set down; set in respect of the continuance that it both had by permittion, and of the number of decrees therein had, it were worthy of the wissom of a Parliament, both so the establishment of things so the time past, and so some certain probision with reasonable similations (if so it shall be thought convenient to that Bish Court) for the time to come: Et sic liberari animam

Ertor, qui non refiftitur, approbatur.

meam.

. Regula:

CAP. X.

The Court of Common Pleas.

D the statute of Magna Carta cap. 11. it is probibed, Quod communia Mag. Cart. G.11 placita non fequantur curiam noftram, fed teneantur loto certo. Habet Rex etiam curiam, & Justiciarios in banco residentes, qui tognoscunt de Bracton lib. 3. omnibus placitis, de quibus authoritatem habent cognoscendi, actine warranto fo. 105. b. jurisdictionem non habent nec coercionem. Es paalo host. Sunt etiam alii Justiciarii * perpetui, certo loco refidentes, ficut in Banco, loquelas omnes de quibus *tlcfup.f.tot s. habent warrantum terminantes, qui omnes jurisdictionem habere incipiunt pra-

Ouftre ceo voilons que Justices demorgent continualment a Westm.ou ailors la, Britton fo. 2. ou nous voudrons ordeiner, a pleader comunes pleas folonq; ceo que nous les cap. s. & lib. s. manderons per nous briefs; iffint que des parols deduces devant eux per nous cap. s. & lib. s.

breifes eyent record.

Dut of these, their things are to be observed: First what shall be said communia placita. They are not called communia placita in refpet of the perfons, but in respect of the quality of the Pleas. Regularly Pleas are divided into Pleas of the Crown, and into Common of Civil Pleas. Pleas of the Crown are Areason and Felony, and Pispeisson of treason and selony, oc. This Court is the lock and key of the Common law in Common Pleas, for berein ate real actions, whereupon fines and recoberies (the Common affurances of the See the fecond Mealin) do palle, and all other real actions by Dziginal Mizits are to be ofter rices Mag. Cart. mined, and also of all Common pleas mirt of personal: in dibers of tobich, as it cap. 11. appeareth before in the Chapter of the Bings Bench, this Court and the Bings Vid. 17 E.3. 30. Bench babe a concurrent authozity.

* Robert Parning the Bings Derjeant at lab 24 July 14 E. 3. was created vis, and in the Chief Juflice of England, in which Defice be remained untill the 15 of De- Kings Bench cember following, and then be was made Lord Treaturer of England; In here before. which office be continued untill the 15 pear of E. 3. when he was made Lozd "Vid. sup. p.79. Chancelloz of England: and while he was Lozd Chancelloz, he would come and fit in this Court, being the lock and kep of the Common lato, as is aforefaid: and there debate matters in law of greatest difficulty, as it appeareth in the report of the year of 17 E.3. fo. 11, 14.23, 37, &c. knowing affiredly, that be that knowes not the Common late, canneber rightly judge of matrets in equity whereof at that time bery few matters were depending befoge bim in Chancerp.

2. Thete togos of Bracton, [fine warranto jurifdictionem non habent,] ate well erpounded by Britton, that that Marrant is by the Mings Willes. Solong; ceo que nous les manderons per nous briefes. Do an regulatif this Court cannot bolo any common plea in any action, real, perfonal, or mirt, but by Sarit out of the Chancery, and returnable into this Court.

3. That in certain cales this Court may bold plea by Will without any await in the Chancery, as for or against any Difficer, Minister, or pribiledged perfor

of this Court.

Allo this Court without any Wazit may upon a fuggestion grant probibitions s R. 2. Ameh? to heep, as well Tempozal as Ecclenatical Courts, within their bounds and mentfur probibi furisdiction, without any original or plea vepending; for the Common law pl. ultimo. which in these cases is a probibition of it self stands in stead of an Driginal, 10 E. s. action whercof there be infinite prefidents in this Court. And Sir Thomas Egertois, fur leftat, 34.

Lozd Chancelloz Mich. 7. Jac. Regis called Fleming Chief Juffice and all the Budges of the Bings Bench, and Tanfeild Chief Baron, and the reft of the 188. rons of the Erchequer, of whom the Chancelloz demanded whether the Court of Common Pleas had authority to grant any prohibition, without Writ of Attachment of plea depending & who upon mature deliberation unanimously refolbed, that this Court might grant probibitions upon fuggeftions without any Willit of Attachment of plea depending, for the reason aforesaid, and according to a multitude of prefidents. The Juffice of the Common Pleas were not called, because they had often refolbed the point befoze. So as now this point concerning the furisdiction of this Court fog granting of pachibitions upon fuggettions, where there is neither wazit of attachment, nog plea depending, is in peace, being refolbed by the Juffices of the Bench and of the Common Pleas, and to the Barons of the Erchequer.

See the second points.

4. This Court upon an adjournment upon a fozein boucher may hold plea linewife upon other fozein pleas, and upon general baltardy, Ne unques accouple Part of the In-Ritures all these in loyal matrimony,&c. toz none but the Bings Courts, and no inferiour Court thall write to the Bifpop. Do like wife upon ancient demelne pleaded, ac.

* So called the Common Bench in respect of the Common pleas there holden n

See the fecond part of the Infti-

tutes, Mag. Cart.

39 E. 3. 24. 18 E. 3. ftac. 3.

eap. 11. 6 E. 3. 52.

The Chief Juffice of the Common Pleas is created by Letters Batents, Rex,&c. Sciatis, quod conftituimus dilectum & fidelem E. C. militem, capitalem Justiciarium *de Communi banco. Habendum quamdiu nobis placuerit, cum vadiis & feodis abantiquo debetis & confuetis. In cujus rei teitimonium has literas noftras fieri fecimus patentes. Tefte, &c.

And each of the Juffices of this Court bath Letters Patents. Sciatis quod constituimus dileaum & fidelem P. W. militem unum Justiciariorum nostrorum de Communi banco, &c. But none can be constituted Judge of this Court untelle be be Berfeant at Law of the begre of the Coife, and yet in the Letters patents fo them made, they are not named per jeants.

The Jurisdiction of this Court is general, and extendeth throughout all

For the antiquity of this Court for before in the Chapter of the Bings Bench adjoyning thereunto, 6 E. 3. where a fine toas lebied in this Court 6 R. 1. and in 39 E. 3. a plea in this Court in 1 H. 3. And that I may fpeak once for all the Juffices of the Bings Bench, og of this Court of the Common Bench, that they obterbe the ancient rule of lato, Nemo duobus utatur officiis, for none of them can take any other office, og any fee, og remard but of the Bing only. And it were behovbefull to the Common-wealth and adbancement of Juffice and right, and preferment of well deferbing men, if the like course were bolden concerning all offices, as well Ecclefiaffical as Tempozal and Cibil: and that no man following the example of the reberend Judges thould enjoy two offices. For feberal offices were neber inftituted to be uled by one man.

Term. Trin. Anno 19 E.1.in Communi Banco, Rot. 146. Rotel, in Thefaur.

The jurisdiction of this Court for punishment of their Officers and Ministers. Petrus de Luffenham indictatus quod ipse in Curia bic à die Sancti Hillarii in 15 dies Anno regni regis nune 19, falso & maliciose delevit adjornationem ejusdem essoin' ad diem illum intrati de Com' Rotel, pro Roberto Attebale de South-Luffenham petente et Radulph. de Kirkeby tenent' de placito terre, &c. Et quesitus qualiter se velit inde acquietare, dicit quod in nullo est inde culpabilis, et de hoc ponit se super juram' de sociis in Cur. hic. Et qui jurati dicunt super Sacramentum suum, quod pradictus Radulphus pradictis die et anno fuit in Cur hic, et dixit pradicto Petro quod pradictum effoinum fuit adjornat', et pradictus Petrus intravit infra Bancum et rotulos de efson', et cum perpendisset quod le aff. fuit appositum molivit ipse policem faum et inde frotavit super le aff. quousq; illud fere omnino delevit ut fic faceret pradictum Robertum amisife breve |uum, &c. Ideo considerat' est quod pradiaus Petrus committitur Gaola de Fleete cuftodiend per unum annum et unum diem pro falsitate et deceptione pradictis, et tunc redimendus

pro voluntate domini Regis, &c. Et sciend' quod liberatus fuit Gaola die Mercurii prox' ante festum Santta Margareta virginis boc anno, &c. Postea die Veneris prox' ante festum Santta Margarete virginis Anno 20 deliberatus est pradictus Petrus, et inhibitum est ei, quod nihil habet nisi vestes pendentes in dorso, admittitur ad dimid Marc. per 20 li. Wil. de Okeham. Ita tamen quad fi ad plus sufficiat, &c. Justic reservant eis pa-

testatem, &c.

fatem, &C.

Et quia predictus Johannes de Upton in Cur' hie recognovit quod hoc Mich. 19 E. 1. in
Banco Rot. 191. anno in affate concesit quod pradictam defaltam remitteret, et pro illa Northampton. concessione recepit 20 s. in Autumpno, et postea ad predictam tertiam septimanam Sancti Michaelis idem Jobannes remisit pradictam defaliam, per quam pradictus Willielmus recuperaffe potuit pradictum ten in fraudem et deceptionem pradicti Willielmi; Ideo ipse pro falstate pradicta committitur Gaole de Fleet commoraturus per annum et diem, &c. per formam * statuti, &c. Postea post annum et diem, &c. pradictus Fohannes W. 1. cap. 29. venit et deliberatus est secundum statutum, &c. et inhibitum eft ei, &c. et finivit pro una marca.

Bene examinatur fraus de Brevi in Jur' per Vie retern Termin Trin Eodem Rot. nu. et per quendam alium panellum eju dem mutatum et cantrefactam, unde contrefactor per fur est calpabilis, et adjudicatur Gaola de Fleete per annum et diem. Et quia scriptor ejusdem brevis licet de falsitate et malitia non fuit particeps, nec aliquid mali fecisse putavit, &c. Custodiatur, &c.

et finem fecit per anam marcam.

Et quia Rogerus de Langeport Attornatus est mala fama, et defatigavit Hil. 20 E 2. in Cur': Ideo committitur Gaela, &c. Et quasitis rotulis de Indictamentis Northampton. Attornatorum, &c. compertum est quod idem Rogerus indictatus suit, quod ipse suit conversus in Cancell' et socius Ada de Ponte fracto, qui falsavit sigillum Domini Regis, et falsa brevia composuit, &c. Et quefins qualiter se velit acquietare, dicit quod Clericus est, et non potest in Curia hic Domino Regi inde respondere. Et quia nullus ordinarius ip-sum petit, &c. nec ipse Rogerus aliter se velit inde acquietare, Ideo ipse committitur Gaola quousque, &c. Et mittitur ad Turrim London, &c.

The Officers of this Court are many, viz. Custos Brevium, tres Prothonotarii, the Prothonotaries : Clericus Warrantorum, Clerk of the Warrants: Clericus Argenti Regis, Clerk of the Mings filber: quatuor Exigendarii , Crigenters : quatuordecim Falazarii , Filagers : Clericus Juratorum, Clerk of the Juries : Clericus Effoniatorum, Clerk of the Cffoigns : Clericus Utlagariorum, Clerk of the Dutlawzies : this belongs to the Office of the

Attorney General, who exercifeth it by Deputy.

In fogmer times great abutes habe been by Attognies of this Court, by fuing out a judicial Processe without any Drigfnall; which when it bath ten found out, it hath been feberely punifed; for many inconbeniences thereupon do follow. Foz erample, in 20 H. 6. an Attorney of the Com- 20 H 6. 37 2. mon pleas had made a Capias directed to the Aberiff of York, inhereof there W. 1. cap. 29. was no Dziginal; at which day of the retozn an Attachment was awarded by the Court against the Attorney to answer the deceipt, whereupon he was taken and erantined, and confessed it, and thereupon by the Court be was committed to the Fleet, imprisoned for a moneth, and that his name thould be draton out of the Moll of Attornies, and neber should be Attorney in this Court of any other, and thereunto be was fwozn. Rote the Ceberity of this judgement doth thew the bainousnesse of the offence.

17 E. 3. 51, 51. Crime,& the party grieved may have his action.

Pasch. 20 E. I. in Banco, Rot, poft 135.

An Attorney fued out an Habere facias feifinam againft one, by force tobere-Nora, he may be of the true tenant was put out of bis freehold, where in truth there was no Mecozo of any recobery : the party griebed brought an action of deceit against the Attorney, and recobered bammages, and the Attorney imprisoned.

> Memorandum quod Magister Fehannes Lovell qui fuit Custos Rotulorum et Brevium Domini Regis de Banco per manus suas proprias liberavit Fohanni Bacon Clerico de mandato Domini Regis in hac verba. Edwardus, &c. Dilecto Clerico suo Johanni Lovell Salutem. Cum commiserimus diletto Clerico nostro Fohanni Bacon custod, Rotulorum et Brevium nostrorum de Banco; Habendum quamdiu nobis placueris: Vobis, mandamus quodeidem Johanni Rotulos et Brevia pradicta qua sunt in custodia vestra ex commissione nostra per Chirographum inde inter vos et ipsum conficiend' sine dilatione liberetis custod' in forma pradicta. T. meipso apud Siebenheih 17 Aprilis Anno Regni noftri 20.

> Super que pradictus Johannes liberavit dicto Johanni Bacon Rotulos et Brevia de Termino Santti Michaelis Anno 17, níque bunc Terminum, et similiter Rotulos de Esson. Et scripta dedicta et suspecta cum talleis dedict, una cum compotis dedict. Ac etiam 160 rot sinium, duas ligulas de recordis fine die, et 14 Certificat. Episcoporum.

main or when I to an a simpler our levels than to fulfilled as man nut fait i Guerra, has Eliquid mit Elift pittschi, wie Oxfodians, to

ine gale Regerre de Longeport, Attoinatus est vindis femis, et distinction Con is the commission Gardes, Book the question and is de India Control Landendia nes Societamper vin est van Ingrieve indistinguisme, qui si

files quiliser for velot acquieture, it is qual clorias of , it was both in Child his Benilin Regi inde reflection. It groundlin grayarin infamily and Bec. mee as & Engeries other for as in a rids anguistare. Ider inte committee and quarifier. See, the selector of Institute

-off real and review of the fillest are seen wix a confict the free Prothought to a symptom series to thouse Warrant or a street of the street by

as remain high In & heart My and not not allow enter a special remain of fining our a received I goodle takens day Originals, which tages a base rier familione, it bolle teen feberelte planifiee, tog matig inconserciones

ser ad androws and includes the experiences an Arestophysical Construction of the cons Constagated the Armoney to antwerthe decrept, toder exponde bear toden and eganined, and confesso in one that considered in all some formulates to cec Peri, impringe de a moneth, and that his hamalloud de concernant out of is that at Arthonies, and under thould be Arthoneu in this Court of any other. sait of the country be the after any in a give of the pagement both and an account the

-nonize todice : 1944. Paris Edito of the State

there to be followed the example, in so H. b. on Mitagues of the Come to Ha. 37 2.

ARE CONTROLLED TO THE CONTROLLED BY STATE AND A CONTROLLED AND ASSESSED ASSESSED.

Chief of the State of Controlled Contr

e, batca foot yer australiantum.

Exchange and all despring of the control of the con

The Authority of this Court is of Oziginal jurifoiction without any Com- a Belicon fo. 26: forers, & nous Barons illonques Jurisdiction & record de choles que rouchent rall number. lour office à oier & determiner touts les caules que touchent nous debts, & auxi a time des were nous fees, & les incident choses, fans les queux tiels choses ne purront eftre tries, Barons & Peers & que ilz event power a conufter de detts que lon doit a nous dettors per ou of the Restm, lib. nous puissons pluis toft approcher a noftre dett.

ous puissons pluis tost approcher a nostre dett.

d En droit des purprestures voilons nous que le noifances soient oustes aux co-patré si ea.g.

gest des purprestours. & les sufférables soient prise in nostre maine a la value.

Secthe 14 chap. flages des purprestours, & les sufferables soient prise in nostre maine a la value of Mag. Cart. per au foit involle, & solonque le discretion des Tresorers & des Barons de nous and the expositi-Eschequets soient acences a fee farma weux que plais vollent doner,

Et foit auxi enquis de nos cuftomes de quire & de leynes que les ount coilles; d'Et fo. 29. b. &c combien les coillours ount bien fuffere de puffer de lackes de leyne fauns payer entre fol. 38.b. customet & combien eit waln la custome chescun au en chescun mannere de cufrome a nous appurtenant & ceux articles foient termines a noftre Escheker felose la diferetion de nos Barons

Dee the Cultomes of Normandi, cap. 5 & 6. touching the Erchequer there, both of another Auvitoiction, and of other Ausges, and Officers, then our Court of Erchequer is.

Lescheker eft un place quarre que solement eft ordeine pur le prou le roy on Mirrar e.s. Sed, deux Chivaliers. 2. Clerks, ou 2. mones, lit' font affignes pur Oier & Terminer 14. De la pate les corts faires al roy & a fa corone en droit des ces fies & ces franchifes, & les accounts des Bailiffs, & des receivors de deniers le roy & des administrators de ces biens por la view de une Soverzign quest Trenferer de Angliserre. Les dieux Chivaliers foloient eftre appeles deux Barons pur afferer les amerciaments de Counties & des Barons & des tenants counties & baronies cy que nul ne fuit affere forfore per ces Piers? eiteriende mulaife de muqueligit melgi bong zomeb ve han tag tage

A celle place effoit affigne un Seale ove garden pur fair ent acquitance de chef. cun payment que avoir le voloir de de lester les breves & les effrets fouth cere verte issant de celle place pur le prou le roy. En celle place font auxi Chamber leins diplufors aguers minifers que ne nonch in y moles la legue dus mini-

Ordeine fuit Leschequer in manner come enfaits & les paines pecaniels de Er ca Sed 300 Comifices & Baronsom pertein, it antiade teintits Counties & Baronies dif. . This was in memlies & que ceux amerciament fuiffent affered per les Barons del Elehequer, de refpet d'ene que lein enveriaft les celle peur de tour imerciame les al Enchequer lou que il faif. nure for all mellent amercies en la Court le roy.

Oufter ceo nul Common ples ne foic deformes benhs en Lelchequer encounter in Capite. la form de la grand Charter. 4. De thatt tenip countell the ling.

Fleta (foz Bracton treateth not of mis Cairet) laith, Habet & Rea Curium 16 aff. 37. Anticlie Care. Con Control Eile de eile des le comme de le control de le

This Court is divided into two parts, viz. judiciall Accounts, called Scaccifi- 10 E.I.Reg. 187 .c. .a.c. i. Scaccarii, fogleo und feit franche betrie thierie affette um fouriousperonium in Scaccarii, fuperioris feilicet, & inferioris publicate par purchale and purchale in all that hamistokinomium okinomium oki

de Weispe ine oblerali any thing but bittbele ancibit Richard and Man of Pari liament, it shall be necessary to fet boton the great Officers, the Judges, and Imprimis

Cultos segni.

other Officers and Minifters of this Court, as they be at this day.

Fiscus in one tence is taken for the Erchequer, properly it is Sporta a Bamper, wherein the confiscations, sessements, and other moneys of the king were carried into the Treasurp.

The Officers of this Court. 2. nu.6 & 7..

1. Dominus Thefaurarius Anglia : which office be bath at this day by the belivery of a white faffe, at the Bings will and pleasure. In former times be had Rot, Par. 13 R. this great office by belivery of the heps (kolden heps) of the treafury : when treafure failed, the white fraffe ferved to reft him upon it, og to deive away importunate luiters.

Vide Rot Par. for this office. * Math. Paris 18 H. 3. p. 391. & 19 H.3.anno Dom.1134

anne dom. 1258.

50 H. 3. 3. 11 32

2. Thefaurarius Scaccarii, antiently called Arcarius ab arca, and this office be hath by Letters Patents. For both these offices be bath 363. I. fees, rober out of the Mardahe 15 1. 75. 8d. In toto 3801. 758 d. * Hugo Paterhul mas firft Areafurer of the Erchequer, and after Summus Thefanrarius.

Cancellarius Scaccarii, that heepeth the Seal. See Pl. Com. 321. Lefehequer ad Chancelor & Seale, & les Brev. usuall in le Chancery in Leschequer, &c. sont And lo was The, pluis ancient que le Register. See of the Chancellour of the Erchequer hereafter Wimondham. in the Court of the Erchequer Chamber,

Capitalis Baro & Barones alii.

Subthefaurarius Scaccarii, anciently called Locum tenens Thefaurarii. Petrus or Man with the de Willebye locum tenens Thefaurarii, Anno 30 E. r. et plures alii : De nameth the two praifers of all the goods feiled or not cultomed, and ordereth whether the party thall have them at the price of not, be appointed the Stewars, Cook and Butler for the provision of the Star-Chamber : be in the vacancy of the Treafurer both all things in the Receipt, that the Ereafurer both. In the fatute of 39 El. cap. 7. and 43. El. in the Dubling of the Clergy be in called-Under-treaturer of England. Concerning this matter I find of Mecozo this Wigit following

Rot. Brevium. 30 E.Z. & Archbishop Exchequer. Nota in dicto Scaccario. c Under-treasuof the Exche-Custos regni.

Edwardus Rex Anglia & dominus Hibernia Baronibus & Camerariis suiis de Scaccario suo, Salutem. Quum pro eo quod a venerabilis pater W. Archiepisco-Treasurer of the pus Eborum nuper Thefautarius Scaccarii prædicti; circa diversa negotia in partibus borealibus eft occupatus, quo minue intendere posite ad ea que ad officium illud in b dicto Scaccario pertinent exercenda, constituerimas venerabilem patrem Johannem Wintoniensem Episcopum ! tenentem locum Thefaurarii Scacearii prædichi, quonsque de officio illo aliter duximus ordinandum, percipiendo in d Treasurership! codem officio (dum illud fic tenuerit feodum) consuetum, d prout in literis nofiris paientibus præfato Epilcopo inde confectis plenius continetur. Vobis manquer granted by damus quod ipsum Episcopum ad officium admittatis & ei in his quæ ad officium Letters Patents. prædictum pertineant intendatis in forma prædicta. Teste Edwardo filio nostro prædicum pertineant intendatis in forma prædicta. Tefte Edwardo filio nostro primogenito Custode regni nostri, apud Hereford Sexto die Novembris, Anno r de celle place ou or al nor regni noftri vicefimo. The office and outp of the Lord Treafurer of England both appear by his oath.

Vid. The Lord Chancellors : A outh in the Chapter of the Treasurer.

domes and Beno.

Chequer of manner co which fandeth upon eight Articles. 1. That well and truly be shall ferbe the ming and his people in the office of

Chancery. 2. That he thall do right to all manner of people, poor and rich, of fuch things as concern his office.

3. The bings Treature be hall truly keep and bilpend. no Dien on raftu O's

4. De fall trulp counfell the Bing.

"Lain is an old mis. The Kings Councell be thall " layn and keep. nog his offheriting, French word. That be thall neither know nog fuffer the kings burt, mog his offheriting, french words and that the rights of the Crown be necreased by any mean, as far tooth as he may Abis Centin vibibedines the parts, viz. thei tital to E . Heg 187

and if he may not let it, be fall mabe anothered thereof clearly and expect account, hiper ores feither to in Manuer on spiece and councell in the infinite and appearance of the Color of the Bing work of the Bing work

8. And he thall bo and purchale the things profit in all that he may reasonably Do r which in effect agreety with the oath of the Logo Chancellog, as you may read liament, it hall be necellary to fet voton the great Du et a the Judgaque ido Imprimis

Imprimis post signilationem patentium de illo officio vocetur in cur' Cancel. Forma conflitulariz, coram domino Cancellario genibus flexis facit facramentum, ut superius tionis Thefauferibitur, & deinde ligillatum erit breve regisdirectum Baronibus & Cameraries rarii Anglir. de Scaccario de attendenc' recitans effectum dictarum literarum patentium. Et inde recefferit dictus dominus Cancellarius ad Curiam Scaccarii & ibidem (dicto Thefaurario ftante) ad barram legantur litera Patentes pradict' & fimiliter predictum breve, & vocatus eft idem Thefaurarius ad locum fuum per dictum dominum Cancellarium accipiens cessum, & liberate erunt tunc & ibidem claves officii Thefaurarii, & omnes officiarii fub fe recedent cum ipfo Thefaurario in Thefaurum & dantes ei attendenc'. This we have tranferibet de verbo in verbum in eisdem verbis,

The Logo Areafurer of England bath allo grantes to him by Letters Batents Vid. Rec. Carraunder the Great Seal, Thefaruariam Scaccarii Regis Anglia, which of ancient H.3. time was a billing office by it felf. The office of the Trealurer of the Crebequer did principally take care of the green war, fees, and tenures, as it is faid ; he bath alfo with the Barons the cultody of Mecozor, as by the infuing Mccozo

appears.

In an Infogmation of intrufion in the Erchequer against Brace, judgement Hil. 25 El. Co. was given for the Queen against Brace, who brought a witt of Groz bireden ram Baronibus to the Lord Chancellog and Lord Treaturer, and they made a warrant under their feals to the Barons to bring the Mecozo before them, And Manwood Chief Baron objected against both the weit and the warrant, for that the Statute of 31 E. 3. Note the Statute c.13. that giveth this writ of Error is generall, that the Luzo Chaucelloz and Lozo Chancellor and Arealuser that cause to come before them the resord and processe of the Cr. Treasurer genechequer, and in as much as no special bogit was given by the fatute, therefore rally, which is inthe weit aught to be virenen to them that have the heeping of the rerozo accozerended of the ding to the course of the Common lawer. And for that the Areafurer of the Experimental Barons have the heeping of the Records of the Gribequer, the niorifins. met of Grout aught to have been directed to them, and that the Mago Chan See lib. 1.fo. 11. cellos and Logo Areafurer of England are Judges in this cafe, and not the Area. Sir William Pelfuver of the Orcheques. And upon fearth of prefidents all the write of Orroz bans cafe. from the making of the flatute untill of El. were directed to the Treasurer of clearly appeareth the Orchequer, and Barons to being the Mecogo before the Laza Chancellour that the Treasure and Lord Treaturer : but in 7 El. aud fince bivers writs haberbeen birented rer and Barons as this writ was, ec. But it was relied by the Lozd Chancellour, Lozd Treas of the Eachequer furet and the two Chief Juffices Alilante, that the weit nugitto be virented are keepers of to the Creaturer of the Erchequer and Barous that bave the Metopa in their car diciall of the flody according to the ancient course and presidents, and thereupon this writ Exchequer. Vide in this Maff is fait to be befe in chargestalls gent : and what gent

atemprade in glus and an arat er floid eide in agende pi ar a mainteil ann e tous. Poce Cour ebingu gre fa be oblevned ar Chat albeit the Baronsi ge bath bin laid, are the fole Audges, pet the Avenfuger of the Apphequer is joyned with them in heaping of the merozds, whereof the Barons are Inoges, for they are parcell of the Kings Treasure. 2. That writs of Error are to be directed to them that have the custody of the Record wherein any judgement is given 3 as a written of Great to reverse a judgement in the Court of Common Pleas, that he directed the Chief Aukienanely who both the custody of the body of the Record wherein the judgement is given, but the arginization large and varrants Actuary are not in his cultoby. 3 That albeit the Lord Treaturer is alla Arcalurer of the Enchequer, pet the writ of Errour is directed for bim as Treaturer of the the Exchequer, and the Barons, to have the Benero, before hinlest as Erealuner par. 18E 3.n. 40 of England and the Chancellour. 4. That the making of the Catuse of 3.1 E.3. &c. Vid. R. s. that giveth the weit of Goroz, the offices of Treasuret of England and the Tree ou. Sig Willia furer of the Erchequer were in febenall bands, as by the write of Berg brought de la Pools cole. foomafterappearethy Befoge the feit fatete of 34 Bu 42 the Etroge in the Crobe. Mich. 33 & ques were fometimes examined in Barliament, and fometimes befoge Commifi. Rogero de Higoners by ferce of the mings weit under the great heal is the meritano me

It has petitionerif Parliament in 32 E. 3. nu 25 that ertoneous jubgements fliciarilis, &c.

bam & aliis Ju-

Forma Conflict-

in the Erchequer might be teberfeb in the Bings Bench, but it fucceeden not.

Vide Term Pasch 74 E. 3. Watrit birened to the Treasurer and Barons calling to them fuch Auftices as they fould think fit, to examine the Mecore, oc. of the jungement in the Erchequet, oc. for the Counteffe of Kent against the Abbot of Ramley, upon which industrient the Abbot brought his writ of Orroz. Firzherbert for another purpose abridgeth the case, Tir. Scire fac' 122.

Hil. 11 E. 3. in libro rabeo in Scaccario fo. 322. the cafe of John de Leceftre Chamberlain of the Orchequer, a notable president to the like effect, Lege, quia

optime:

Nota in the Act of 31 E. 3. that is called the Councell Chamber, which now is called the Erchequer Chamber: because there was the assembly of all the Judges

being the Bings Countell for beciding of matters in law.

r part of the Inftitutes, cap. Sect. 153.

Mare the Parent

fpraleer et die

The Chamberlains of the Exchequer. Foz thete officers fee in the firft part of the Inft, lib. 2, cap, Grand' Serjeanty. Sect. 153: the Office mentiones in Grand Serjanty the Letters Batents is, Officium unius Camerariorum de Recept' Scaccarii, five officium unius Camerariorum de Scaccario, and is granted for term of life to be erercifed by him of his Deputy. To this Office belongs the office of one of the Doog-heepers of the Meceipt. n an Inspination of includen in the E

Coperarocellator. De to great regard is the right ute of the Pipe, as there is a Controller thereof, which no other office in this Court hath. And the Chan-

cellog of the Exchequer is the Controller of the Pipe 2011st of en

. Rememoratores 3. vie. Regis Thefaurarii, & Primorum fructuum, 11da 11.

Clericus Pipe. Of this Officer Contembat is necessary to be this. The oziginall inditution of this Court was taken from a Conduit of conveyance of water into a Ciffern : for las water is conveyed from many Fountains and Springs by a Pipe into a Cifferne of a houle, and from thence into the feverall offices of the fame : to this golden and fiber thream is brawn from feberall Courts, an fountains of Juffied, and other topings of Medenne reduced and to Heded into one Bive, and by that conbeped into the Ciffern of his Parelies Me ceint, oc. . Liverefore all accounts and debts to the ming are delivered and toller neo out of the offices of the mings Meniembyancer, and Areafurers Memembyancer, ec. and veaton voton and put in thinge in the Pipe. Do as whatformer is in charge in this Bollog Pipes is laid in lato to be bully in charge. The Clerk of the Dipe in the Batent of this office, is called Ingroffator magni Rot, in Scace meit foso, oc. But fi beas refujoco or che Lozo Ch neellour, Lozo Cinn

1.26. AII.p.60. Duly in charge and ill bat

See the flat. of

5 R.a.c. 14.ftar.

of the Estingen The Annuall or great Roll.

The Roll of

Duly in charge revenues.

5 Auditors. 1 H. 7. 4. 2. 7 El.Dier 338.b Sir Rich. Lees cafc.

allo the Argaluters Remembrancer is by his office to tharge and enter from the Dziginationio the Anniall, otherwite called the Ovent Roll, all fex-farme the Vampedana ventsand other rents what toeber upon leafes of lands within the furney of this Court : and whatloever is in charge in this Moll is faid to be duly in charge? Alto be sugget wheep another Holl, commonly called a Holl of revertions, as of grants of lands and officer in thete, for life or pears ablque compore, sur sliquid inde reddendo, to the end, abotton as need that require, surfits may be granted to enquire superher the inthe belgent, the telle dead, serman a good of to li

There we five Austrags of the mings tevennes within the furber of this Court, and their office is roughe the accounts of the Bings receivers, sheriffs, Bichentais, Colledors, and Callomets, and to audite and perfect chem? I But an Auditog tannot and we aris likelife og grant, for the Auvitog anometh not whether the license of grant be good of nos but upon petition it ought to be at lakes by the Barons who know the Lang Be fic de fimilibus. Hefther can the Aubitor put may thing in charge, soft His office is (no hath been falo) but to take any mid dits Quandu fe be- dum prædiction officium prafico B. quandiu fe bene gefferium endemper fe vel fufficient; deputation. Appithough the Batona de apper upon fight of any Me-- corb or ebidence; that anything shall be paf in charge, this is uten to be none to being it in quellion, but it is not in law accounted to be walp in charge (untill it be recovered, received, and accounter to of Mecogli 3 fog it is not judicially

ne gefferit. 24. E I.C :13

Rogero

PartieE a n.co

Done,

27 H. 8. 6 11 21 H. S. 180.1

bone, becaufe it may be bone in the ablence of the party. Reither can any Mubitoz make a Super, but of that that bath ben received and accounted for before. Auditor of the Prefts, take and audite the accounts of Ireland, Barwick, the

Pint, and of any money impretted to any man.

Auditor of the Receipts. Firth, be is a bind of Filager, tog be ffleth the Tellers Bills andentreth them. Secondly, be is a Kemembrancer, for be gibeth to the Logo Areafarer a Certificate of the many received the with befoge. Third Ip, be is an Auditog, fog be mabeth Debentures to every Teller hefoge they pap any money, and taketh and anditeth their Accounts. Belldes all thele be hiepeth the Black book of receipts, and the Lozd Treasurers bey of the Treasurp, and Oct

ebery Tellers money locked up in the new Treasury.

forinfec' Oppositor, the Fozein Dppoler, be doth oppole all Sheriffs and Bailiffs of Liberties of their green war: Under thete toozes [Green wax] arein. Green wax. cluded Fines, Mues, and Amerciaments, Mecognizances for the peace, Mecognisances for appearance in any other Court, and good behabieur, and fuch like incertainties certified in feberal Streats into the office of the Lozd Treaturers Memembrancer , who delibereth the fame to the Clerk of the Extreats to be put into Pootes. And becaute the Ortreats anneted to the Witt are under a Seal 42 E. 3. cap. 9. in green twar, they are bulgarly called Gzientwar. But Felons gods, Waftes, 7 H. 4. cap.3. Strages, Dutlaws goos, Deobands, and furb like, are within the Sheriffs accounts, with which the Efchestor was wont to beal.

Clericus Extractorum, Clert of the Gitreats, bis office is partly touched before. dire in the Britis and i do cribus ade nec

Here it map be demanded what the meaning of thefe woods (of Chreats that fowne not) ig. The Act of 4 H. 5. cap. 2. being oziginal in French, is in pro- 4 H. 5. cap. 2. ptio-idiomate, Des Eftreats nient fouvenn, which by turning the the fingle v y into a w mas firt made fowenn, and afterwards fowne. Bow fovveno property figuifieth to be remembred, and fuch cafuaities as are net to be remembred run nor in demand, that is, are not le viable, and addition a

Clericus Mililorum utabeth a Rollof all fuch fummes as the Sheriff upon Seethe flat. of Process for the Greenway return Nibil, and belibereth that Molt into the office of Rocel. verl. the Lord Ottalurers Remembrancer to have execution done of it for the king. finem. Die the Bratute of y R. a. chp. 13. flat. 1. concerning thefe reforms of Nibit and

it 60029 We strate Clericus Placitorum, Clerk of the Pleas. In this mans office all the officens and priviledged persons in this Court are to sue and be fued. Of this mate

ter moze bereafter.

the discharge thereof.

Mareschallus, Pariball. To this officer the Court committeth the hep. Stat. de 51 His ing of the Bings bebrogs during the fitting of the Lerm, to the end they may peo. fac 5. bide to pay the Bings debts, oz elfe to be further impziloned. Buch offices as are found Virebre officit, and brought into the Erchequer, are belibered to bing to De belibered ober to the Lord Eremurera Memembrancer, ai De, allo appaintet Auditogs to Speriffs , Cichestogs, Cuftomers, and Collectogs for taking their Ceurt of Colards, which fomeremen Were within the furbip et this Cantuobis

Clericus Summonitionum, Clerk of the Solumnons. F. . 31 mort 1104167 22 11 R

@ Deputate Cameratii dob, called Anber chamberlains of the Erchequer : they cleave the Callies wiftren byithe Clerk of the Callies, and read the fame, that the Clerk of the Pell and the Controllers thereof may le their entries be true: thep allo learch for all Records in the Ereafury overfit political attention

sd Secundarii Reinemoratoris Regis duo. It delle int diad ad Illiams comolisami

Ha C Secundario Rememoratoris Thefaurarii duon si coi anna all con a andanale

.in Secundarii Piparduo. ot . officialit dan

Stebeatory, Mercibers, In the other part of the Grobequer tobich is called the Receipt. Concerning the Ros.clauf. 39 E. courte of the Receipt of the Encheauer, fet Rore Clauf. 39 E. 34 m. 26. 30 19 19 19 3 memb. 3

che Inftitures, Dide gr H. 3. ftan 3. 14 E. 3. 1600. 14. attentional grate at

Clericus Talliarum. There be thou hinte of Tailes oz Tallies , the one is ding.

finers I cureru-

To This Tiefe

b 27 H. 8. C.II. 31 H. 8. cap.16. 2 E. 6. cap. 4.

IR. 2. cap. 5. called a Cally of debt, and the other is called a Cally of b reward; of both tobich powmay read in dibers Ads of Parliament.

Clericus Pellis, Clerk of the Bele. Bis duty is to enter cherp Tellers bill into a Moll, called Pellis receptorum. Dis duty alfo is to enter in another Mail payments called Pellis exitus; and by what warrant the payment was made.

Numeracores, 4 Tellers. The office of a Teller confifteth in four duties. 1. La receibe monies due to the thing. 2. Lo gibe to the Clerk Pellis receptorum will thereof, whereby be may be charged. 3. To pay to all persons monies by Warrant of the Auditoz of the Meceipt. 4. They make yearly and weekly books of their receipts and payments, which they deliver to the Logo Areafurer,

I Junctores talliorum duo.

Deputati Camerarii duo.

Cultos Thefauria.

Tabellarii Ordinarii 4.

Scriba duo

entities on where the state and a continue Officiarii Decimarum & Primitiarum.

Parls R.z.c.16. ftat. I.

Vid. in the Of-Remembrancer. Mich. 26 H.6. Rot. 46.

The dutie of the Kings Remembrancer,

The duties of the Lord Treafurers Remembrancer.

See hereafter in the Chapter of the Court of Wards. 1 R. 2. cap. 5.

Rotelauf. 39 E. \$ memb. 26. Fish pare of the

By the Catute of & R. 2. for making a Commiffion in the Erchequer, the Clerk that not take for his the above 2 s. only; nor for a Mecord of Nili prius with the Wait but 2 s. only, as afore this time was wont to be done and used.

See in the end of a book containing many little books, as Fitzherberts Justice of fice of the Kings Peace, Carra Food', &c. the fies of the Offices of the Erchequer.

But it shall be necessary to fet down the duties of the Bings Remembrancer, and of the Logo Treasurers Remembrancer.

The office of the Bings Kemembrancer confifeth principally in eight duties. Dis first is to write Proces against Collectors of Customes, Sublidies, and Fifteens. 2. De entreth in bis Office all Mecognizances befoze the Barons, and taketh bonds for any of the mings bebts, for obserbing of orders, or for appearances, and his duty is to make out Proces upon every of them. 3. We ma-Beth Proces upon Informations upon penal Katutes, all which Informations are entred in bis office. 4. De mabeth Bills of composition upon informations upon penal Catutes. 5. He taketh the Calment of debts and entreth them. S. The Clerk of the Star-chamber rertifieth into bis office the fines fet in the Star-chamber ; this officer maketh a Record thereof, and draweth them down into the Pipe. 77 Into this office ought to be delibered to be fafely kept, all Alfurances, Consepances, and Chidences, whereby any Lands, Tenements, Dereditaments, oz other things are granted to the Aing. 8. Alfo there is a Court of Courty bolden in the Crebequer Chamber by English Bill: all the Bills and prot edings thereupon are entred into the office of this officer. She the Catute of 3 R. 2. cap. 14. ftat. 1.

The office of the Logo Treasurers Remembrancer principally condifeth in eight outles. 1. Wis outy is to preferbe the broad-fpreading and fruitfull tie of Lettures to many wages beneficial to the Crown, and the jurifoidion of the Court of Mards, which sometimes were within the survey of this Court, but fince taken from it. De maketh but Broces for the mings revenue by reason of the tentires of the ming (marus excepted.) 2. De maketh Proces of Fierifac' and Errent for beuts bue to the Ming efthet in the Pipe, or with the Auditogs. If a Clerk of this Court make any Willit of Popoces for a debt which bath bun paid and the Tallies thereof joyned and allowed, halpall lote his office, and be imprisoned untill be bath fatisfied the party to much as by the discretion of the Areafurer and Barons be is endamaged. 3. De maketh Proces againg all Sheriffs , Efcheatogs, Meceibers, and Bailiffs , to being them to account. Li mant an Girry of Mecoto, inbereby it appeareth whether Speriffs and other Accountants pay their proffers due at Cafter and Dichaelmas. 5. De ma-Beth another Entry of Meroth, to the end it may be known whether Sheriffs and other Accountants kiep their days of prefixion. 6. The Oren-war is cerfifted into his office, and are by him delibered to the Clerk of the Eureats, as bath

bath been faio. 7. There ought to be brought into this Dice all the accounts of Cuftomers, Controllers, and all other accounts, to make thereof in this Office an entry of Mecozo, to aboid all delay and concealment in the Bings bulinels. 8. Set the flatute of 5 R. 2. cap. 14. flat. 1.

Concerning thete Difficera there is an excellent late made in 5 R. 2. tobereby Ror Parl ; R. 2. it is enaded, [That from benceforth no Baron of the Erchequer, Clerk of the nu. 205. & war-Bipe, Kemembgancer, Oppoler, Controller, Clerk of the Pleas, and Clerk of thy to be printthe Fozein fummons, Auditoz, oz other chief Dfficer of the Erchequer be made, unleffe be be well learned in the Law, of otherwife bery shiffull in the courses and ulages of the Ercbequer. Bere is the heart fring of this Court, for albeit the laws and ozpers thereof be most excellent, pet the benefit thereof confils in god and shilfull Dfficers and Pinifters.

Abele things being underfiod, let us noto perufe our ancient Authors, foz

out of the old fields muft come the new com.

Ejent nous Treaforers. Bereby it appeareth being in the Blural number, that there be two Treaturers, tobereof toe bave Choken beloge. There is alfa a Ron Parl 3 U.S. Areafurer of the Mings Chamber, Thefaurarius Camera Regis, which is not nu. 47. accountable in the Erchequer, but to the Bing himfelf. If the Bing appoint fome whom be truffs to take bis account, this is effemed to be done by the Ming

bimfelf, Qui per alium facit, per ipfum facere videtur.

Et nous Barons illonques jurifdiction. * All judicial proceding saccerding to 18 H. 6. II, Tai law in the Erchequer, are coram Baronibus, e not coram Thefaurario & Baronibus: 5 R.3.c.9.flat. 1. But the Court of Equity holden in the Erchequer Chamber, is bolden befoge the The Court Lozd Ereafurer, Chancelloz, and Barons. Df this Court we habe giben a Equity in the touch befoge and hall treat moge bereafter. Rote the judicial proced Exchequer ings befoze the Barons are in Halls, but they are not numbzed as in other Chamber. Courts. ut : malren

The Dath of the Barons of the Erchequer erpzelling their duties confifeth c. 13. p. 218. upon ten Articles. I. That well and truly be thall ferbe in the Office of Baron Rols not numof the Bings Grebequer. 2. That truly be hall charge and bischarge all manner bred. of people, as well por as rich. 3. That for bigbinete, nor for riches, nor for ha. The Oath of tred, noz estate of no manner of perfon oz persons, noz foz any deb, gift, noz po. the Barons, mise of any person the which is made to bim, noz by craft, noz by ingen be fell See the flame let the mings right. 4. Soz none other persons right be shall diffurb, let oz refpite contrary to the laws, of the land. 5. Roz the Bings debts be thall put in respite, where that they may goody be lebied. 6. That the mings ned be chall fpito befoze all others. 7. That neither for gift, bages, not good bied, be thall Flapne, biffurb, nog let the profit og reasonable abbantage af the ming in the . Layoe, i to abbantage of any other perfon, nog of himfelf. 8. That nothing be fall take of conceal or hide. any perfon for to de byong or right, to delay or to beliber, or to delay the people that habe to do before bim, but as baftily as be may them goodly to deliver without burt of the Bing, and babing no regard to any profit that might thereof to him be therein, be fhall make to be delibered. 9. Where be may know any wenny or vertubles to be bone to the Ming, be fall put and do all bis power and diligence that to redreis; and ifte may not do it, that be tell it to the bing, at to them of his councel, which may make relation to the Bing, if he may not come to bim. 10. The Bings Councel be shall keep and lagne in all things.

In the Erchequer at the fuit of the King in an Information of intruffon of Trial byRecord. lands, toberein iffue is jogned, which may be tried by the Country; pet where the Bing bath a direct Mecord or Mecords for the manifestation of his title, the Bings Atropney may pray that the trial may be by Mecords, whereof you may read a notedble cate, Mich. 27 & 28 Eliz. in the Erchequer where the cate was, That in an Mich. 27 & 28 Information of futrulion into certain lands, sc. againff Savil, the iffue toas El. in Souccar, tobether certain lands belonged to a boute of no, and upon a trial by Mecogo inter le roign sudgement was given against Savil. Afterwards Savil the vefendant ded, and & Savil. bis foune and beir bidught a Bitit of Erroz in the Exchequer Chamber, where ir was boloen ; that this kind of tryal by Mecozon was before the Catute of 33 M.c. to. 43;

See hereafter,

33 H. 8. 12.

Com. &c. Exon, &c.

For trial by Re- 33 H. 8. cap. 39. the words whereof be, That all and every trial and trials of cords, vid. Mich. all manner of Suits, Bills, Plaints, Informations, &cc, and Iffues in the Court of ram Rege. Ro. Exchequer, shall be made and tried by due examination of Witpelle, Writings, bertus Archiep. Proofs, or by such other wayes or means, as by the Court of Exchequer shall be. thought expedient, and that every fuch Judgement, Detree or Degrees, shall be Hill Bacoram good, perfect, and in full firength, force, and effect in law to all intents, combru-Walterus Epife. Clions, and purpofes. And per, norwithstanding the generality of these words, if a Inogement be giben upon a trial by Record, a Weit of Error both lee thereupont becaufe, as to that polite, this Ac is but in affirmance of the Common L. tounedar be ada

22 E. 3. nu.17.

"It was petitioned in Parliament, that remedy might be found, that no Ace countant in the Erchequer do run in iffuge before be warnet. The mings and fiver was, The Proces therein shall be first a Venire fac. then a Distring as, and after a Writ out of the Chancery to the Treasurer and Barons, and a

51 E. 3. nu. 27. . 3. 2 5 6 T

It was also perfeioned in Parliament, that fuch as owe to the ming map upon their account be allowed of all fuch loans, as be due unto them, of to any of his Ancestogs : tobereunto the Bing antwered, The Treasurer and Barons thall make allowance of due debts. Bo great care was taken by the Court of the Erchequer (which is the center of

Y. 3. 1 4. 3 5 R. 2. CAD. 4. Course of the gainst law, &c.

811.

Attorney: and

therfore the ad-

mittance of an

the Bings rebenue and profit) that no man might fue or plead for their discharge of any bebts, account, or other deniand, without habing expecte commandement by the zir of Letter of the Great Seal. But by the Carne of 5 R. 2. it appeared. that the parties ought to have been received theratinto, according to the Law. Exchequer a- twithout any fuch watt of Letter : and wat the obtaining of fuch watte of Reffers was to the great bilquietneffe, milthief, and belay of the parties intpentited, and no abbantage to the laing. And where before that thme no pies could be allowed in the Erchequer by Atroznep, but in proper person: by the laid Ad'it is ordained that the Barons of the Ercheques thall habe full pomer to hear t That is, by his every antwer of every demails mabe in the fame! to that every perfon that is inspeached of inspeachable of any cause by bimilet of by any person, that be receibed in the Erebequer, to pleat, lue, and babe bis teatonable bircharge wirbout carrying of thing any tagit of other commandement whatleebes Soas by this Actorny in thefe mes a pot ex sait both thele inflichiefe are probided for. And out of this ale this general cons gratia curia (as cliftion may be futty collected, that fuch course of the Erchequer as tendeth to the diffquietnette, ininepref, and belay of the Subfect, and no advantage to the Bing, is ageinft lew, and ought not to be allower. And it is to be obler bed , that Britton both forn in this clause, The Areanirers and Barons.

is faid in the common pleading) but ex debito juftitie. mporevegis

And into the Erchequer Chamber of the like, all cales of greatelt difficulty Thinks, the orifiche mings Bench of Common Pleas, ve are, and of ancient time have been Abbot of Crow- adforthed and thete bebareb, argued, and refolded be all the Mages of England and Barons of the Crepequet. Sie more of this Court infra cap. 13 pagid: refinds them self mate be ibill make to be belinered. 9. Effete be may anom ar

lands cafe. Jufliciarii hac audientes urgentes de Banco, cum

Baronibus Scaccarii & Domini Regis fidelibus illic refidentibus colloquium, & c. Rouin Scacc. de Crowland; Pl. Corona coram Justic. 1 inerantibus apad Turrin London, An. 4 B. 1; Rot. Clauf. 13 E. s. infra p. 121. Hil 32 E. 1. Coram Rege 19 gorn. Mic. 6 E. 2. in Communi Banco Despensors; case. Mic. 11 E. 2. Coram Rege, case of the Burgesses of Great Yarmouth. be unique douncef be iball her and larne in all things.

5 E. 4. 7.

4 Han Jahan Tolle & Terminer touts les caufes que rouchont nous debts. Dere betts are faller to hie manner of outles due to the ming. out got at suffi morade

7E.4:14 b.16 b. Et auxi a nous fees. Bere the tenures of the Ming (whereof we habe fpohen liefoze) are expected. And affect there be many tenures of the King both in Capitel and by minghts Derbice of tome Ponour of Panner, we get there be many 82 2 to

another so relie it de fine de le control of the light so respect of Sollicitors, to fining out of the cites of partous angion of allenation, topere in troth the Pannois or lands were not holden of the Bing Mich. 39 & 40 3 18 Mich. 35 & 240 Bliz. It was vetothed by all the Mudges of England in them.

El Per tous les Inde Artefrey General's Eparit when purchale a License of Bardon, and

Sec for this word

d.8s.3.H rt 8 H. 6. 34.br. Leafe 71. Regifter 295.

after being collen into the Exchequer of private the license of pardon; the meither the parobale not pleading in my conclusion, but the thought of the meither and party and being conclusion, after the more of the ments of party and being conclusion of the ments of party and being conclusion of the ments of party and being conclusion. this cale is dired being grounded upon a licente og pardon, nog the plea ; for the licente by patient is pleased, as fe is us dicinus, and cherefore neither the one not 46 unit since the individual the individual that it be in his plea both be expected more (much a be- 29 km/s) in at very most, dec hearington at enurs, ip Capuc, and in atteburge thereof please 7 units in the paradu of license to instance thereof, there is a equelution insolution, and in the expectation are the house to be intended. Such that is indiced the paradu of license to instance thereof. porter if the south and right is . 3 . 14 84 day

Conseining licences of allegation, and the short pleading of licenses and par- 18 Jac. cap. buns, there is a profitche Angre made apposed for Regis, and another An. 1 Jac. 1 Jac. Reges.

Prior ban Proces against A who detained goods from him, withour which he countries and miner the King. A came and claimed the goods as his riches as Parton of D, the Prior claimed the tiedes as Parton of S; and thereupon illustration. Parl.p.29.

for the ming reads in this execution will in this Court contells himtelf delitor to the 1 R. 1, cap. 12. After where their na perfect Record, be field be remained to the first performance after the execution be facilities, then to be committed unto the Fleet untill be parts.

paid the fumme confessed,

paid the lumme confesse.)

(I Solong the discretion des Treascers & Barons, &c. solents a tenta a tearm a eux que pluis voillent doner. To the end that no també in the kings bands, which ought to be to the kings profit, should be without a farmor that should perfor went to the kings the Areasurer in certain cales, and with certain cautions aught to make a Marrant to the Great Deal for demuling thereof, that is to say, not only of lands extended, of lands buring the naceston of any Africe, and of lands seited for an alternation without license, and before 2; H. S. of land in ward, or the like upon uncertainties, but also of the demeans of the Arobin out of lands. leale, oc. Mitbiate, as

Leale, et.

Leale, que ihrmanus Regis Edwardi nuper Regis Anglia terrii, pro 138 li. 6 s. 8 d. in rionem. qui hus idem Silvanus prafato nuper regi tenebat, feififti fuerint, & in manibus ... Comunia noftris in de cause adhuc istunt. Habendum à festo Sapeti Michaelis Anno Regni 2. Custada. nostris en de cause adduc istunt. Habendum à festo Saucti Michaelis Annio Regni 3. Castaiane, nostri 3 à nique sinem 10 annorum en tupe proxime sequen. & plenatte complenderum. Reddendo inde nobis per annum in outtodia pradicta 25 s. prout nobis ; Proviss, qual responson est, ad sest Pascha, & Sancti Michael' per aquales portiones. Proviso squat alian plus semper quod si aliquis alius dare voluerit de incremento per annum pro custodia dare voluerit. pradicta sine fraude vel malo ingenio, quod tune dictus Richardus tantum pro est dem solvere ceneatur, si custodiam pradictam habere voluerit. In cujus rei, &c., plus vollent danar Teste R. apine Westin of die Novemb. Anno decimo sexto.

Solve by many presidents the Loro Ereasurer map make a Wassant 19 grant 21.

the lange extremed, either sor prates, or quem diu in manibus nostris sore contigerit.

The Logo Treasurer made a Marrant to the Logo Chancellour in beinife to Roc. par y His. John Pempons land pacell of the Dutche of Cornwall for the teatin of fifteen

4: F. 3.25. Fofe-

B.13.119.10/1 m to Dorf. -addogada,azoM rw of the King or his measurelis dominamine il-

gears

11 H.6.28.b. 8 H. 6. 34.Br. Leafe 71. Regifter 295. See for this word Commifimus. Vide 17 H.8 ca 1, a ignorali Provilorforche Lon Treatures * 32 H. 6 ca, 5-

"Vid. Pl.Cr.491 H.5.4.

Second part of the Inti Confie. Cart. Vid. fupra cap. Parlp.29.

Mirror. Ochhames's A

2 E.3 25. Rot.Pare31 E.1. m. 12. Dorf.

Nora, the robbe-By of the King of his treasurelis damnum ineftimabile.

#2E.3.25. Jeffe-

STEER

The state of the s

yency in the this of norther as the nether welted whate was or coloning the leader of the character of the coloning the welter of the coloning the welter of the coloning the section of the land to the control of the control o

Vide in Original in Sedecario de Anno 11 & 22 H 7 West 4 and and in-Rot. 12: Many lath tehler: Whi of antient time, as it speaters by Bourous books the Mr entitle and Waton's 6100 vernile, st. . Letter Bourats of the Always Palt. 1, palls long by the Lord Areaburers toursaid. And the First of the office of the Chapter of the Control of the office o

A H. 4.ca.18.

By the flatutes of 8 H. 6, cap. 16. and 18 H. 6, cap. 16 thappenerty that the Dier tagage | 8 Charles of Art aftered had power to make leaded in certain alor restators.

See in the Chap-leade : but that is altered by the flatute of 32 H. 9 of rection of the Court and the Chap-leader.

Sometimes and not to the warrant of the Logo Prenurer us solond mobile and a second rection of Wards.

Vid. Pl. Cr. 491

"Hil. 18 f. 1 fig. Areafuter is named for veniting, or other intermediting with any of che Rings Revenue, if is to be intender of the Liealuter of the Erthequer. moling and

De nous cultomes de quirs & leylies, &c. aufat wele callames were appeareth in the Second part of the Institutes, by the Carate of Confirmation Cararum, the last beauth, and the Capolition upon the lame, whereby to appeareth that the taing has no Custome but lach as was grinted to him by Ma of Pacifornient. Parliament.

Leschequer est un place quarre. It is sourtsquare and the Carpot that some time by upon it has prought in it the tight of a Chelle bodes, and thereupon it was easier the Erchequer cand about the ring of the reign of B. 1 this Coint was not built, and therefore in 2 B. 3, it was called the novell Eithequer, and it was not built upon this occasion. Both the parts of the Oschequer were af ancient builting, and weak; Fourtoge and one persons (tobereof the Abbotof Westmand Torre eight of his Points were part) bear into the Receipt, and selections the weeker, and felonically rothed the ming of a builties where part) beare into the Receipt, and selections, so the decide. All these sources and one were indicated of the selony, and committee to the Copper of London, we and this was the occasion of the new builting of the Meche. All these sources and one were mounted a special of the Camer of London, or. and this was the oceasion of the new building of both chest parts of the Cichequer.

Our solement elivereine pur le prowe le roys Bere is a short hat an esse.

ry Sharlags cale. Quall bettription of the furification of this Court, that is for the profit of the ming.
14 E. 3. ii. Scire This profit is either immediate, or mediate: " Immediate, as of Lands, Ments,

Cappail

De fes fees & franchifes : Difces, that is, tenures, wherear we have fpoken. before. Franchifes, being flowers of the Crown, are nototions and known: but it

Et les accounts, &c. All accounts to the Bing ought to be made upon oath, and it is belt for the Bing to have the accounts to be taken in this Court, tor ascounts taken by Commission are little for the mings benefit. The meener of e Star de Rutthe marbable is to make his account once in the pear in the Crebequerik Once land 10. 1. in the year the Areafurer of Ireland hall account in the Exchequer of Bugkand, E. Rep. Para to the Areafurer of the Exchequer to be more that the bearing and the firelegater to be more that the bearing and the firelegater to be more that the bearing and the firelegater. s. The accounts of the Erchequer to be more shortly beard, made and ingral- g. S. 4. 6.47.

Le Treatuters of the Rings Chamber are enely accountable to the Aing, & Rot Par 3 H. and not in this Court of Exchaquer, but get the ming, by the novice of foine whom 6. 194.47 min he may truft in fecret doth take account thereof, as before is fait and an adding dua

Vide recordum & Processum contra Petrum de Rivalles alias Petrum de 18 H. 3. mu. 1 10 Oriall, Thefaurarium & Camerarium Regis totius Anglia & Hibernia, & cuftodem omnium forestarum, & omnium porenum, maris de compoto reddid de of-ficis prædictis, & de judicio contra ipsum reddito per defaltam, quia venire recufavirnifi falvo regis conductu, quod rex denegavir, quafi infolitum defindebihis both truckly and ubighti:

Per le view de un Soversign que eft Treslurer Dengliterre. Ofthis great de ser Aliana Difficer we have fpoken befoze ecundum legem & confuertionem regni nol

Le 2 Chivaliers fo loient ce 2 Barons, &c. Sino here with agreeth Bracton, Co- Bracton lib. 3. mites vero vel Barones non funcamerciandi, nui per pares fpos fecundum modum fo. 118.b. delicit, & hoc per Barones de Scaccario vel commirege, qua trad and antitation

En cel place font auxi Chamberleins & plufors auters ministers, que ne touch che infl.mag. my mole a ladey. Derent we baile from before and off gains and a little and

Mul Common ples me fon diformes tenus in Lefthequer enconter le form Artic fup. Carr. Apon this Art Fortifevetall opinions babe been conceives, this fupra. Stat del Grand Charter. Than this Court might originally have holgen ples of all Common ples ; to E. r. ace. and this they think to brobe by the title of Glanvill book, which taking it alto - Pl. Cam roy. gether is this. Tradatus de legibus, &c. tempore Henrici a. compositus, juftitia gubernacula tenente illuftri viro Ranalpho de Glanvilla furis regni & atriquarum confuetudinum co tempore perin filmo, 30 illas folum leges continet & confuerdines, fecundum quas placitatur in curia regis ad Scarcarum rurum Justicis relicuoque solving. Debers think that at the making of Magna Carra the Court of the Exchequer toas parcel of the mings Bench, which they inter upon the moods of this Act, No Common plea shall be holden in the Eschequer against the great Charter, In which Charter Curia aplien is only intenvel of the Bing's Bench. That in Magna Cares, to which this Catute refere, there is no reftinint, and and therefore this Catate of Asie' Super Carras collyameth not. 4. Chat the Devinance of Rueland is no flacute, but made by the being for the order of this Court. In the Second part of the Inflitutes; in the Expossion of Magne Carta, rap. 17. we have spoken nothing of this number, but thought good to refer it to this Act being his proper place ma fort regul s

As to the field tit appeareth by the laid ancient Authories, and be theauthority of our bests, that the Austitution and jurisdiction of this Court have been only for the mings buffreffe and profit, se, as bath been tato. Southe Eitle of Glanvils book : first it was never of his own making, for be would never have given himlet fuch high and cuperlative Bitles, an Illustri vice juris regul, &c. co tempore peritifimo. 12. The that more the title freaketh of the thier Courts, viz. 1. In Curia Regis. 2. ad Scaccariumping. Corine Justicis ubicunque su-erine. For the First. viz in Curis Regis pentenverb Justice in Sire. acri sor crample. Inquirentur purprustura vehia Capitali Curis, velcoram Justicis Regis Glanv. 156. 5. ad tales Inquificiones faclend' in diverfas regth partes tranfmillis per Juratam pa- cap. 11.8c. triz five vicenet'. 2. Ad Scaccacium, this Court be out montion but enter that Lib.7.cap. 10. diam alicui commiferit, tunc diftinguitur utrum ei cuftodiam pleno jure com-

which agreeth with the oziginall inditution and jurifoldion of the Court concerning the profit of the Bing. 3. Coram Jufticus ubicunque tuerine is the Bings Bench, whereof Glanvil was Chief Juffice, and of the Pleas in that Court is in

effeathe fum of his Treatife.

vaffus Tilburichequer cap. 1.

TANGE MET

As to the Becond : I Glanvile tobo tozete in the reign of H. 2. doth (as bath been fain) name the Erchequer as a biffind Court for the accounts to be midor to " The Anthor of the Ming. 2. In the "Black Book of the Cichequer genicated to Hi. 2, of the obthis book is Ger- ferbation of the Chiequer, it is fain, Nulli licer statuta Scarcaric infringere, vel eis quavis temeritate refillere, habet in hoc commune cum ipfa Domini Regis ensis a fearned els quavis temeritate reintere, nabet in noccommune cum ipia Domini Regis man and an Of. Guria, in qua ipie in propria persona jura dilcernit, nec recordationi nec sentenficer of the Ex- time in co late liceat alucui contradicere. Withereby it appears that the latings bench and Crchequer were diffind Courts in the reign of 14. 2. in feeret a

Lothe third, our fatute is intituled Articuli fuper Cart' thatis, Articles upon Magna Carta & Carta de Foresta; fo as the fense of this At is, that the Erchequer spould beld no common plea no moze then the kings bench : for the form of the Great Charter is Quod communia placita non lequantur Curiam noftram. Decondly, our Cature is but an affirmance of the Common law concerning the furifoiction of this Court, and this doth expectly and notably appear in the Megifter in thele words. Rex Thefaurar' & Baronibus de Scaccario Salutem. Cum fecundum legem & confuetudinem regni nostri communia placita coram vobis ad Scacearfum prædict placitari non debeant, niti placita illa nos vel aliquem mini-Arorum noftrorum einfdem Scaccarii fpecialiter tangam; &c. Dere it is to be abcerved that this weit of prohibition is not grounded upon the Statute of Artic' Super Cart' of any other flatute, but upon the Common law and cuffonie of the king. bome, which concerning the juriloidion of this Court both in ommbus agree with our ancient Authourp and year books, wherein you thall observe an admirable harmony and confert in to many faccessions of aces nous ad Charter

This is a flatute provided by the title thereof, and for that it is entred in the Parliament Rell, and in the Register 187. b. it is called Scatterum de Ros-

2. component indent Dew it is mood to know, how the Law commonly called Respondent Superior, holdeth in this Court and in other Courts, and first by the Mecogds of this Court,

and then by Arts of Parliament.

Memoranti nuper Vic' fuper levatione 40.5, extract in magno Rotulo de anno 12 in Kane' fub nomine William Herlizan unius Coronatorum Com' Kane' pro falso retorno. Idem William Herlizan unius Coronatorum Com' Kane' pro falso retorno. Idem William Herlizan unius Coronatorum Com' Kane' pro falso retorno. lielmis Vic die fupenfacramentum fuum quod prefatus Willielm. Herlizan non haber terr' vel ter.', bona, seu catalla in balliva lua, nec habuit unde dich' denar' levari postinr. Et quia iple Coronator electus erat per Comitatum juxta formamifiaturi, &c. jea quod in defectu ejuidem Coronator' corus Comitatus or co lector & fuperior, &c. habeant regi respondere, pracip' nunc Vici quod de torris & renementis hujufmodi totius comitatus in balliva fua fieri fat' przed al. s. & eos habeat hic in Craft' claufi Pafchæ fuper proffrum funm regi folvend. Ad guem diem Vat' non recorn' breve. Ideo ficut slias in Craft' Sancti Johan' Bapuift, \$02 more prefibents in the Erchequer of this kind, fee Mic. 17 R.2. Rot. Mich. 19 H. 8, Rottia Eborum. Pafch 30 H.S. Rot. 30. Wiles Miching E. 6. Rot. 130, &c. Stat. de SziHas. de Sescerio, prisent nule em lo

Bow it holbeth in other Courts, Vid 11 E. 2 tit, det. 172. tobere the Oberits be remisheable as in London for their intufficiency, respondear superior, that is,

the Papaz and Commonalty of London.

4x E. 3:9, 10. Priot deufe & semoveable fuffer elchape, refpondeat fuperior. E. 4. Pur infufficiency del Bailie dum fibercie respondeat dominus libertatis. Vid.

There is a generall fratute concerning all the Courts of the king, worthy of edicontinuentian atomic a decod speed in contraction on a

Item, To the intent that better and more fure Government behad Ti CI

Regift, 178. b.

Sisten lib 3.

Stelfe e pation 8

gem.flgibd

Artic fup, Care

Carra 14.

Star. de Roeland 10 E. I. Vid. Pl. Com. 221.per a BaronsRegist. 187.b. Respondent supe-

Int' Pracept.de Termine San-& Hil. Anne 14.E.3. ex parte Remem. Regis Rot. 9.in Scac' Coronator ..

Lib.7.03P 3 H.6 cap.10.

Gianville, g.

53.11.000

within the Courts of our Lord the King for his profit, and eafe of his people, which have to purfue, and do in the fame. It is ordained and established that all the Officers made by the Kings Letters Patents Royall within the faid Courts, which have power and authority by yertue of their Offices of old times accustomed, to appoint Clerks and Ministers within the same Courts, shall be charged and sworn to appoint fuch Clerks and Ministers, for whom they will answer at their perill. which be sufficient, faithfull, and attending to that which pertaineth to them in performance of the bulineffe, as well of the King, as of his people.

In the same manner we have ordained in the right of the Barons of the 20 E. 3. ca. 3. Exchequer, and we have expressly charged them in our presence, that they reth that tothem shall do right and reason to all our subjects, great and small , and that they belongeth doing shall deliver the people reasonably and without delay of the business which of right and reathey have to do before them, without undue tarrying as hath been done ceedings.

in times past.

It mas refolved in the case of Auditor Provie, that if A be indebited to B, and Mich. is Ja. in B is indebted to the king, that the king by his prerogative may levy his debt Bank le roy me upon A: but this lebping ought to be of an immediate, and not of a mediate Probibilion. debicot to the vebtor of the Ring. As if A be invelted to B, and B to C, and C to Dicies tanking. the bing, the bing cannot levy bis bebt of A, for then it might be levied in inh- 13. nitum, quod reprobatur in jure, and it appeareth in our books. Lib. 5. fo. 89, 90.

For allignments of debts made to the Bing, See in my Reports.

By the Statute of 7 Jac. no veht fall be alligned to the king the Beirs og 7 Jac.cap.13. Succession was beited of Medicap of Recountant to his Wajelly, by his helts of fire ceffors, other than fuch bebts as die before grow one originally to the mings

20 obligation, ecsognisance og fatute made for labing harmfeffe or perfozmance of Covenants, et. chough it be forfeited, or for any cause, other then a due bebt, can be assigned to the king by any of his vebtors. These assignments of bebts to the king are not favoured in law when the kings immediate debtor is able to pay his debt; for the assignment at the hings suit, the body, lands and goods of the vebtor to the kings debtor are liable to the king, whereas at the subjects suit, he could have had but his lody only by Capies ad latisficiend, or his goods only by Fieri sac, or half his lands and goods by Eligic. By the statute of IR. 2. Abequalty is probled his him that confidents have the lines of the could be the said of the lands are goods by Eligic. 1 R. 2. apenalty is provided for bim who confessed a beut to the Bing (that is a R. 2, cap 12. not velitor to the Bing of Meraza) to belay the excention of others.

The Barons of the Erchequer are the Doberaign Austrogs of England , for Pleta.li. 6.co. 64. if a mail elligit Aupitezisto a Balife og receiber to account, and the Ausitezs a E.3.12.14 E. of a man augn Auditofs to a Binne of treetoer to account, and the greet 3. account 74. will not allow just and reasonable allowances but commit the Balife of recest 3. account 74. ber to prison, such prisoner may have an Driginal writ of Expared alls returns. 8 E.4.16.F. N. ber to prison, such prisoner may have an Driginal writ of Expared alls sections. 8. 129. Regist. ble befoge the Areaturer and Baroits of the Errheauer, we. Tog bis reflese in that behalfe.

Myon the Accountant in the Erchequer of B. Fulham the Bings Butler, be Rot. Clauf. anno demanded allowance of certain parcells of Wines given by the king to certain 4 E.j.m.s. persons by word of mouth without writing, and it was disallowed by the rule of

the Court.

Upon the account in the Erchequer of Richard Bury Beeper of the Marozobe, Rot. Claus. anno he bemanded allowance for certain Weffells of gold and filber, and certain Jew 4 8.3.m.19. els given by the king ore tenus to Isabell Queen of England, and others to Philip Queen of England Contost of the Bing, & non allocatur by the like rule of the Court : fog the gifts by toogs in both thefe cates are boto, which with Petilians 35 H. S. Praise,

rafe that followeth are good rules to establish the law in a case wherein there bath B.61.14 E.4.1. been variety of opinions in our books:

Hil, 6 E. 4. Rot, 14. in Scaccario Inter Brevia in Dorf. Letilians cale. A hore rant under the Signet is not lufficient to illuc any Arcafure of the Bing out of the Receipt, but it must be under the Great or Bring Seal.

Regist. 192 a.b.

the Receipt, but it must be under the Great or Prive Seal.

If the Barons do not allow unto an Accountant before them such just beurands as he maketh, he may have a writ De allocatione faciends, virened to the Areastree and Barons, commanding them to allow the faine.

nifters wathin the figure Course, find be charted and worn and Clerks . 328 , the monday a formaming represented a for

A Liberate of an Oziginali will assuing ent of the Chancers, and is directed to some Officers that have of the Kings mong in his bands to pay over a penson, debt, or buty. And it is not called a Liberate by reason of any such word contained in the writ, (as sor the most part writs are) for the mores be Quod solvas or solvatis, but it is so named ab effects. But such a until trained be directed to the Kings Fermor to pay a penson, as because, though the sermor esset be behind, pet it is not the Kings untill it be paid, and all the writs in the Kegisterians directed as in associate to Officers, as to the Accasurer and Chamboulain, have Customer, as the form of the writ appeared, in the Register and, 1994 And there it appeared that there be two kinds of writs of Liberate, one dozinant, or currant and continuall, and another has vice and particular. And it is sometimes accompanied with a writ of Allowance, as there you may read.

If the Officer have sufficient in his hands to pay, or, at the time of the Liberate delivered to him, he is become debtoz (by Ast of law), to the party, for which he may have an action of beht; but after the Liberate sued out, and before the delivery, the Kings may discharge the Officer of the Kings mony in his hands. And if the Kings were before the delivery of the Liberate, the Officer bath no warrant

to pap it.

Dier 7 El. 238,

If the Officer at the time of the belivery of the Liberare have of the Ringa money to pay but part, and not the behole, the best is no warrant to him to pay part. See 21 H. S. cit. det. 43. 27 H. S. 9. 37 H. S. 24, 25, 9 E. 4. 12 14. I H. 7. 8, 2 H. 7. 9. F.N.B. 121 f. Br. Tit. Taile Deschequer.

Vid. Mag. Cart, cap. 22. Liberationem antiquitus flatut', id eft, precium anti-

quitus statutum.

The course of the Eschequer is, that as soon as a Sheriste or Escheator enter into his account for issues, americaments and mean profits, to math upon his bead O. Ni. which is as much as to say, as Oneratur, nili habeat sufficientem exonerationem, and presently he to become the Bings debtor, and a Debet set upon his bead, and thereupon the parties peravaile are become debtors to the Sheriste

or Efcheator, and bifcharged against the king.

The ancient course of the Eichequer bath been, that if in an Information of Intrusion into lands of tenements the Wesenbant pleas not guilty, be shall loke the possession; and it is said that the reason of this course is, with soft that regularly the kings title appeareth of the Record, and therefore the Wesenbant may take knowledge thereof, and the rather soft that in every information of Intrusion, it is specified of whose possessions the lands, or, were: but if the Wesenbant plead not guilty, the kings learned Councell counct know the Wesenbants title, to provide to answer the same, as the Wesenbant map to the kings title.

signer for Accountant in the Crebegier of L. Foliaborthe Lings Lings to construct and annaugh to accept the construct of the construction of the Crebe Construction of the Crebe Construction of the Crebe Construction of the Crebe Construction of the Construction of the Crebe Construction of the Constructio

ed be an electric to the continuents of each of and alloss of and exterin setul a 4 sum entremed and electric of the entrement of the given by the first party of a trade of the first of the fitting of an electric of the fitting of an electric of the fitting of an electric of the fitting of

refe charrollaisead are gond entre co effection the teman a cost indérein there hand. A first is ead a terreture de concretand in our books. cose of classical

CW. TWO.

A Congression of white the unlawfull and untrue Accourtes Iff the Exchequer.

Dis Court litteth by Commission under the Great Deal by force of the 6 H. 4. cap. 3. See Ro. Parl. 10 to the most of the account, See Ro. Parl. 10 to the most attained and before directions by the Countries, where the According to the most attained and of the most point of Specific Constitution of the most property. Constitution of the minus Birers have received, described to principle the many specific transfer and before most perfect the many specific transfer and before many specific transfer to principle the many and their boules to prison, until they bear many for the minus, after the university of the most principle and their boules.

" But (as pare beed and betoge) te is certaid; that it is ever mon for the mings

benefit that Accounts be pearly taken in the Cychequer, and not by Committion; and to that Accounts be pearly taken in the Cychequer, and not by Committion; and to that his an Dedinance was made in the Michiment holden Anno 21 E. 1. Vide Rot. Parl. anno and to that his an Dedinance was made in the Michiment holden Anno 21 E. 1. Vide Rot. Parl. in thele was to a Dominar Rex vince pearly it, glood de exercio fingulis annis fermed in amo commotive Valconie & Hiberrine per Conflabularium Burdegalis. & Clero Thelaura-Thelaurarium Hiberrine reddinbir all Scatteralium Anglis, & third, and and annual per the Rot. A fyrther of Resingts within the kind, and annual pearlier with the Conflabularium of the Rot. In the Conflabularium of the Conflabular

Quamdiu se bene gesserit.

25. errain Entre for B. speciall seriolation is grock to the Course Surger entrein. Botten tille le percentent entre than the course of Surger Er ling for a. inentation, when tille is pareinden to any Spanoja, Anada, Cenemiento, er Bere-Sir Willico bers hitainen for bargaineh; dita, og erchanged by the Uing, upon Which Uitters was tents there is by that be refered any annual Ments or Marian, painule in the Coursel Augmentations, and divers other chaire hince gave to the Court of Angunences for inribitation. sour che clouit of Angmentation is due un ihedd anmered to the Court of the Crebequer, and not de jore, as hereafter it appeareth in the Chapter of the Centr of Lugmentations. And therefore this Court of Ercoeffee about see the constant and decision dies has the factors of the Court, for that the Court of Augmentations is biffotoco.

5. S. holderch lander of the Ming by leading and practy rent, and maketh a Neale 22 F. 3. c. Ald 'thereof tot peace to A. E. pretends that I. S. fealerthe lame to him by a laginer Acales about there to a rent thining not of these lands to the Line, yet neither AIL D'ein fue in this Come to any griviledge in wiven of the cent, Edgiber ting can base no nechobite of beautift thereby : for whether A. we B. bolif prevalle, per must the rent be pair ; and if this were a good cause of grin lenge, ell rec'tends in England halden of the Bing by rent, or, thight be bishight into this

Bone if biack dere be extended to the liting for dehe of A. anthe jand of A. and the Bling legicth the forme to B. log pears, referving a rent : C. precente List A. SEG

in her it and Freehold.

> Le Roy I. 32.0.H 72

CUAP. XXIV.

The Court of Equity in the Exchoque O A. untrue Accouractmed Exchequer.

Be Judges of this Court are the Lozd Arealarer, the Changellozding Barons of the Erchequer. Generally, their puriforcion is an largelfoz matter of Equity, as the Batous in the Court of the Aring he the Court of the King he the Court of equity and of that by the Court of equity and of the King, or touching the King, and if in employed to the profit or benefit of the King, or touching the King, and if in employed to the both any yles, which is not for the world or hereign of the King, or both toucheth not the King, there lyeth a Prohibition, which as in algorithm. ada marit draw appeareth in the Begiffer : togallare fair Communia Placica which are noti Placica Orona.

By the Cature of 33 H. S. cap. 30, they have full power and authority to oil.

Charge, cancell and make boid, all and fingular Mecognizances and bonds made to

the king for payment of any best or fumme of many, or for performance of cou-

bitions, oc. upon the wing the Acquittance, oc. of any proof made of payment and

Art.cler.cap.4. Regift.fol. 187. b. far.de Rotl. cap.ultimo.

athey pice

Cancell. Hor. Fait.

E. v. Nich, de

ers Thelaura-

ubi fupra.

Inheritance. Freehold.

Cancell.

Ditions, oc. upon Cewing the Acquittance, sc. of any proof made of particular decomposition and performance. Alls to cancell and make voic by their difference all Recognizant ces made for any appearance or other contempt. And that if any perfor of whom any fuch beht or buty is bemanded, alledge, plead, declare, or kelp in the fair any fuch beht or buty is bemanded, alledge, plead, declare, or kelp in the fair continue.

Lib.7.60.18.Sir Thomas Cecils case, and resolute the fair Court : then the saw Court shall have pather and authority to sunge a colonic the fair years, and clearly acquit and distributed her fair years and sunder performance of the same that he modify and interest, and in no wife senerally liable to the chere diverspressedent.

Lib.7 fol.20.

The third performance of the same that he modify and interest, and in no wife senerally liable to the diverspressedent.

Lib.7 fol.20.

The third performance of the same that he modify and interest, as well of inheritance as secence, other diverspressedents.

By the said Act of 33 H. 8. speciall surisbiction is given to the Court of Court By the fair Act of 33 H. 8. Speciall furifoidion is given to the Court of Aug-Et. lib. 3.fo. 12. mentation, when title is pretended toung The Bing, upon which Letters Pa-SieWil. He.berts bitaments, bargained, fold, or exchanged by the Bing, upon which Letters Patents there is of thall be referved any annual Ments of Farms, paiable in the Court of Augmentations, and divers other clauses which gave to the Court of Augmentation furifbicion. But the Court of Augmentation is but in Geto anneged to the Court of the Erchequer, and not de jure, as hereafter it appeareth in the Chapter of the Court of Augmentations. And therefoze this Court of Erchequer Chamber cannot claim any juctioistion given and appropriates to that Court, for that the Court of Augmentations is villolbed.

1. S. belbeth lands of the Bing by fealty and yearly rent, and maketh a Leafe thereof for years to A. B. pretends that I. S. leafed the fame to him by a former Leale; albeit there is a rent iffuing out of thefe lands to the Bing, pet neither Aling B can fue in this Court by any priviledge in retpen of the rent, for that the Bing can have no prefudice or benefit thereby : for whether A. or B. both mesvaile, pet must the rent be paid : and if this were a good cause of privilege, all the lands in England bolden of the Ming by rent, oc. might be brought into this Court.

But if black acre be extended to the king for beht of A: as the land of A. and the Ming lealeth the same to B. sozpears, referbing a rent: C. pretends that A.

32 E.3.tit.Aid Le Roy 1. 35 H.6.56.

had nothing in the land, but that he was feifed thereof, ec. this cafe is within the pzivileoge of this Court, for if C prevail the Bing lofeth bis rent.

The Bing maketh a Leafe to A of Black acroicz pears referving a rent, and A is possessed of a tearm for pears in Michielect, the Bing may distrain in Mitte acce for his rent, pet A bath no privitedge for authite acce, to bring it within the jurifoidion of this Court. Books tay, that ele Bing may villamitoz his rent in 44 E. 3.45.

all the other lands of his tenant, of whomfoever the fame be holden, it is thus to be 13 E.46. underftood, that the other lands mult be in the actual postession of the mings tenant, 8 H. s.4. for he connet officein in their lands in the sofferion of histemant for tite, to ant Pl.com. 223.4. This prerogative top pears of ar will. Contr of Equity was bolder in the Erchequer in cale of Rear Chamber before the Katutelof 33'H.8. And then ft must be h Court of Country by lervice, but in prefectiption: for me find no former Act of Parlament that both create and enablify cale of a Rene uity furb Contribute the faine as to the Authorition decrete les that there bath Ren fack. been of ancient time an Dfficer of the Orchequer called Cancellarius Scaeraril, of Cancellarius mom antonger beiber Dfficers of the Orchequet Flees lath that of Officium vero Scarcaril 3: Dancellarii, elt figillum regis cuftedire fimul cum contrototules de proficus regni, Mirtor esta s. And the Dirtog latth, Perjureeft per la ou flifult Chancelordel Elchequer ven'a Sett. 13 & capy: jour, &c Dis ancient fee is 40 Mathis Atbetty out of the Warngobe 12 l. 1751 4 diancoto 4944 6 5. 9 d. 1964 4 H. S. cap. 1611011 9, 2 man 2 10, 211 1-1119

The Cropoques hath in Chancellog and Beal, and the Mits ufualt in the . Picom gali Chancerp in the Grebequeeto Wife laid, are more antient then Prerog. Registed Bereupon it is collected, that feeing there hard beongine out of mind of man a trued a veupedre ist in ist olla eifed vieht beit beibeteb ett begollennich. beiteb alle remaineth in that Court. Line allegemy to that latter topmigning to

Mihere tome wo bouch 22 E. 4. tit Petition y. for the hanting of the Chancellog of the Erchequer in granting of Wirit of lenteh. to the Trealuter and Chancel loz, the Book is falle printed, for it fould be the Chamberlains and Treafacer of the Exchequer & for no Mit of learch in viceded to the Chanceffor, et buttoche Areafurer and Chamberlain of the Erchequer, who have the cultody of the get

a done find a Position of the Commons in a flugithat no durites of Prior Deals and. Par. 2. H.4. be fued out of the Chancery, Chebequer, og other place, to any man to appear ap- ou. 69. on a pain, oc. to animer, oc. contrary to the ordinary course of the Common law? whereunto the sing auf meres, That fuch Writs thould not be granted without

Anno 3 H. J. the Commons petitiones that all sagits of Subposta and Cortis , Ror Parl An. de causis going out of the Chancery and the Orthequer might be involled and not 3 H. f. au. 46. granted of matters determinable at the Common law on pain of 401. The bings answer was. That he would be advised that Dads go adem anial

animer was, That he would be advised, the Courts. D. The Court of Pleas. 67 H.644.

2. The Court of Accounts. 3. The Court of Receipt. 4. The Court of the Erchel 8 H.7.13. quer Chamber being the Aftembly of all Aubges of England for matters in law, Lib : fo.st. 5. Abe Court of Erchequer Chamber foz erroge in the Court of Crebequer 3TE. Vet.N.B. 31 cap. 8. & 31 Eliz, ca. 108. A Court in the Orthequer Chamber for errors in Doil Adig & . 3. cap. 8. or 31 Eliz. ca. 8:31 Eliz.ca. 1.Co.pl. latrifo: a. 24:37. And y. This in school language Court of Equity in the Erthequer Chamber, and the continuence of the continuence of

of min Fielf-Austa within his Wicedard all Churches after every aspidance

Le do sut et a la do diag como de agla describe de mais est est de fine de la como de la

Supra pag. 110. 31 H. 3, cap. 8. 31 Bliz. cap. 1. 37 Eliz. cap. 8. 31 Eliz. cap. 1. Co. pl. Intr. fo. 2.24-37-

Of First-fruits and Tenths Ecclesiasticall.

Co inthe Exchequer

Ing a time of

Star de 32 H.8. Cap. 45. Roc Par.47 E.30 s.u. 20. 7 H 4.0.43.2CC.

26 H.8, cap. 3. cap.4.

35 H. 8. cap. 5. I Eliz cap.4.

a Walf. An. Do. 13. 16. Trivet. Ranulphus Ciftrenfislib.7.c.2. Po.Virg lib.8. cap. 2. Platin Fox, &c. b 1 E.3. Rot. clauf.m. 4. nu. 66: 3. Du. 44.

not fo antient with us as is f Ro.Par.6, R.2 nu. fo... g 6 H 4.cap. 1.

Bo Paro H. 4. MI-43.

rifdiction. 2 3.

and to de to Vile

Court of the First-fruits and Tenths was railed, Officers conflicted, of Chancelloz, Treafurer, Mings Attozny, two Auditozs, and two Clerks : Authority given them to compound for First-fruits, Bonds taken therefore flouis be of like force as a Statute Staple : but this Court was biffolben by Dugen Mary Parl. 1 Seff. 2, cap. 10

Thefe were grantes to the Crown by the flatute of 26 H. 8, cap. 3. But all the 2 & 3 Ph. & M. Clergy were exonerated and diftharged thereof aftewards, Anno 2 & 3 Phil. & Mar. cap. 4.

r Ella cap 4. Abe ffatute of 26 H. S. revived, and Fird fruits and Lenths of the Clergy observe thealte- reunited to the Crown by Anno 1 Eliz cap, 4. But no Court is revived, but ration and alter- First-fruits and Lenths to be within the rule, luthep, and gobernment of the Cr. chequer, and created a new Office, and Officer, viz. a Remembrancer of the First. fruits and Tenths of the Clergy, who taketh all compositions for the faid Firstfruits, and Tenths, and maketh proces againft fuch as pay not the fame.

First-fruits, oz Annates, Primitie, are the First-fruits after aboidance of ebery Spirituall Living foz one whole pear (except Wirarages not exceeding to l. and

Barfonance not ercred to Marks but allere to pay Tenths,

Occiefiafticall Libings toere fometimes balued by a Book of Laration made in 20 E. a. which remaineth in the Orchequer, and by another taxation in 26 H. 8. tobich allo remaineth in that Court. And according to that latter taration are the butues of Ecclestafficult Livings computed for the First fruits and Lenths. What ome firft impofen Firft-fruits, untill " Pilogians Do agree, I will not trouble mp felf.

what we find of Record concerning First fruits, we will lummarily relate.

The Bing forbiddeth H. P. the Bopes Quntio to colleg First-fruits. ac.

. That the Boney Collector be willed no longer to gather the First fruits of Benefices within this Realm being a very novelty, and that no person po any lowger pay them.

The Commons to petition that probifion may be made against the Popes d Rot. Par.4. R. Colledors for levping of the First fruits of Ecclefialticall bignitics within the Mealm. The enflorr of the Bing in Parliament is, There thall be granted a e Note they were Prohibition in all fuch cases where the Popes Collectors shall attempt any such novelties,

Mnon complaint made by the Commons in Barliament, The King willeth that Prohibitions the granted to the Popes Collectors for receiving of Firstfruits.

I Againft Fire-fruits by Arch-Bilbops and Bifbeps to the Bope of Rome, terming it a hogrible mischief and damnable custome.

h It is enaced, that the Popes Collectors fould not from thenceforth levy any monp within the Realm for Firth fruits of any Occieffaficall bignity by any probie from from Rome upon pain of the fratute of Brobifors : but this is omitted out of the print of 9 H. 4. cap. 8.

i 19 E.3.tit. Ju- The Bifbep of Norwich hab in 19 E. 3. by peefaciption time out of minde of man First-fruits within his Dioces of all Churches after every avoidance. \$ 26 H.S.cap3. But thefe also were given to the Crown k by the fatute of 26 Hen. 8.

> Tenths Occiefiaficall. Decime, thefe are the Tenth part of the value of all @ccleffafficall

Ecclefiafticall Livings yearly papable to the Bing, bis Beirs and Succeffors by the fain Statute of 26 H.8. and I Eliz, to be balued as is abonefait.

These the Dope (as the Canonists hold) pretended to have De jure Divino, Num.13.26.20, as due to the Digh Priest ha pretent of these mores. Pracipe Levitis atq; denun-Vi Jerom.in Ex. cia, cum acceperitis à filis Israel decimas quas dedi vobis, primitias earum offerte ca.44.v.28, ac. pielbed not thele Lenths to the Bope, but (as hath been lais) by authority of Parliament viltharged the Clergy thereof: which they bould never have home, Acher has taken them to be one to the lone of joic Divido. And the Billion of Morach cours not have Villetties to have friending within his projected free has been divid the Pope De Jure Divino and the Father to, that Anchory the Beak, for two with the preference was made, to a a retrust with Court of Rome, made have a first supported by the pope was made, to a a retrust with Court of Rome, made have a long and the rather to the Court of Rome, made have a long and the rather and a long and the rather and the same of a real same and the manual and the rather and the same of a real same and the manual and the rather and the rather and the same of a real same and the rather and the same of a real same and the rather and the same and the rather and the same of a real same and the rather and the same and the same of a real same and the same and the same of a real same and the same and the same and the same of a real same of a r the new Courses Angmentations were constructed and established by the fein An

Ancen Mary according (Nh) power live & ber ing visional the law Court by Air of Parliament Poloen the fifth of October, in the first pear of her

Reign, bid afterwards be ber Actiers Patents, dearing wite 23 Januari in to source vollette de froits and the control of the Dearl Le following by other Actiers Patents and the Control of Corpequer, which was utterly void, becaute has a control of the partiet and when the control of the control of the partiet and when the control of t

Brad Mibil cars 19 E-3 the luming diction, whi lum -xallos iviolih mine quo ligarum eft. 7 E. 6.cap. 2. Mar.cap.10.

Dier 4 Eliz.16. So resolved by eli che Judges.

Dis Court was erected by authority of Parliament in Anno 27. H. 8. 27. H. 8 cap. 27. confifting of a Chancelloz, Treafurer, Actorny, Solicitoz And all lands, et. belonging to Monasteries, and purchased lands were within the survey and aobernance of this Court. This Court could not be ereded but by Barlisment, because a Chancellog and a Court of Equity were constituted. Wage hereof in the next Chapter.

her author p.

Domino, id est decimem partem decime, us reputetty votis in oblationem prisadors revisit deservoir decimentation de la comparta de constant de constan

33 H.S. cap.39.

pielben not their Acuths to the Pope, but (as bath been fair) or anchorer Den these Courts king H. B. he has bettere Patents Agranged in the distinct of authority of the Letters distinct H. B. he has bettere Patents Agranged in the distinct of the Letters distinct in the court of Augmentations by his Letters authority of Parliament. The his order has holden both, because they becreated by authority of Parliament. The his order has holden both of the Pratute of 7 h. 6, cap a and the erection was allo both for the cause aloge air. And the rempose shelfs betters Patents, as well for the dissolution of the former, and for the erection of the new Court of Augmentations were confirmed and established by the laid Act Bradt, Nihil cam conveniens off neutrali equita-tionnum quodes diffolvi eo ligamine quo liga-7 E.6, cap. 22 of 7 E. 6. I Mar.cap.10.

29 H.8. as the length and be the bolds of showing way, for that he have encountred to be the hours of pertence of the hours of the first hours of

Queen Mary according to the power given to ber for visionition of the laid Court by Act of Parliament holden the fifth of October in the first year of her Meign, vid afterwards by ber Letters Patents, bearing bate 23 Januarii in the lame, year difficult the faid Court of Augmentations 3 and the wart the following by other Letters Patents united the tame to the Exchaquer, which mas utterig boid, because the han different the fame before : lo as the pursued not her authozitz.

Confidence to Chancellet, & coffeet, Action Deficies States Imageic. . Leinaging fo. Brunfteric., and punchafen fange fure toiten e. e furure and constructed this Court. A die and toude am excitate det de conficience tecenge a Chameltog and a Court of Oquity were confedented of he bestel in

in the contract to git office of some real many title

Dier 4 Eliz. 16. So refolved by all the Judges,

the nart Chapten.

Die John Anneilers cale. Secritis cale Wallice, pa. 237. Duellum 6 R. 2. 446. John Walfres cale. For this case of Walth, see welling pag 34 1 and Scord 13 K 177 down Shron. 8 H. 6. 371. between or, Pir. 8 1. 6. parte 2. m. r. Annals coo Stow. Ibid. Anno 25 H. 6. Anno do-

The Honorabic Court of Chivalry before and the Branch of Chivalry before and the Roman of Chivalry before and the Roman of Chivalry for the Carl of Chivalry for the Carl of the Carl of the Carl of Chivalry Creaton before the Carl of Chivalry Creaton before the Carl of Redford Chivalnie of England in his

Ot. Pat. 12. H. 4. m. Mbis Concelistralite Caria Militaris, and Rot. Par. CThe Stile of the Court, and the Indiana of this Court are the Roya Coultable of England and the Court, and with the Indiana of this Court are the Roya Coultable of England and the Court, and the Court is the foundation of the partial that, 43 Experience And the Court is the foundation of the partial that is partial and after Andrew Coultable of Coultable is companied of the Darron words, Coulings of the Indiana.

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Coultable of Coultable is companied of two Darron words, Coulings of the Indiana. Solgar jung ment fanlt be eiben Wenned indunk ichtso ein idel de

dentery Sets Inocuted managed on application Sed. 94 4 for 39 1 Junior 10 on Che Courtem Beiten bereite bei anicientipo doen lethe Minge Wall and ace

This jurisdiction is peopliced by the Aurasia die and Aurasia and an income on Beraule the Court of The Juitof the Gonfable and Marshall have increached to them, and day disting.

The encroach contracts, covenants, trespanes, debts and detinues, a trend in print and many other actions pleadable at the Common law, in great pre- 13 R.s. flat. 1, judice of the King and of his Courts, and to the great grievance and the H. f. mu. 38.

Oppression of his people. The King willing to ordain a remedy against The Judget, with intrathe prejudices nand grievances aforefaid harlis declared in this Par- Vide inita liament by the advice and affent of the Lords Spirituall and Tempo Nota declared. rall the power and jurisdiction of the faid Conftable in the form that folsome begond the Steag upon the Land, and the Conflable answork

To the Constable it appearained to have confidence of Contracts and The power deeds of aims, and of war out of the Realin, and also of things that touch and jurisdiction within the Realin, which cannot be determined or discussed by the Common law, with other ulages and customes to the same matters persastings which other Constables have heretofore duly and reasons. bly afed in their times joyning to the fame that every Plantiffe shall declare plainty. his haster in his Petition afore that any man be fent for to amilier thereinto. And if any will complain that any plea be commented before the Confiable and Marshall, that might be tried by the law of the land, the lame Complainant shall have a Proy Seal of the King without difficulty directed to the faid Confiable and Marshall to furdeste in that plea will it be disconfied by the Kings Councilly if that matter ought and of right portained to that Court, or otherwile to be tried by Commissions of the Realm of England, and also that they furcesse in Cap. as. aus die desin sar

Bee the Third part of the Inflitutes, cap. High erealon, pag. 26. Ret. Rar. 2 y E. 3. parter i. m. vo. 1 H. 4. between the Logo Morly and the Carl of Sarum. the Mercan inhereof me have frem Rot. Par. 2 H. 4. parte a.m. 7. between Kigh-ly star Scroop Hot Par. 3 H.-4. Balleshuls cale. Rot. Valcon, p.H. 4. nu. 1. Bul-lement

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or y Bi.ca.y.

I V.B. 114h.

e remedy by sneb grow

attain

lemers cafe. Rot. Parl, 21 R. 2, nu. 19. &c. Rot. Parl. 2 H.6. nu. 9. Holl. Chron. 424.3 H. 4. Dir John Annesleys case. Dee this case Walsing, pa. 237. Duellum percusium. Ibidem 8 R. 2. 446. John Walshes case. Foz this case of Walsh, see Walsing, pag. 311. and Stowes Annals 477, Howes Chron. 8 H. 6. 371. betteen John Upton and John Down, Vide Stowes Survey of London 385. Dee this case. Rot. Pat. 8 H. 6. parte 2, m. 7. Annals 600. Stow. Ibid. Anno 25 H. 6. Anno domini 1446, between John-Davye and William Caturibis maffer, Annalsio 5, ibid. 386, battell joynes between Thomas Preschomas Belog of Kildun alte James Butler Carl of Ormond; but when it tame to the point the Ming forbas it. Vide Rot. Parl. 2 H. 6. nu. 9. John Lost Taibot Lieutenant of Ireland accuses the Carl of Ormand of Bigh Treafen befoze the Carl of Bedford Conftable of England in bis Ot. Pat. 12. H. 4. m. milialurands diffada die mill edt struck H. 4. m.

ambat subgement hall be given when wither wart in banquisted, fre t ticles of the Dube of Glout' Confibble of England about the beginnin Reign of R. 2. The lamma arms is, that the Appellant being overtonies curre the lame punifowent, that the Defendantionant to bull soil ithehea Conflable or Cunitable is commannoevetime Saver may

See an ancient Manufcript in French entitutes Modus faciend Diellum coran Regen Bone foy & droit & ley de Arms voer, iquel appellant encourgemelme Forthe Parthall Maritchallas, and the perinariaded to delight of thenpland of

This Panufcript treateth both of the jurification and manner of the proceeding before the Confrable and Parfiell, and for that it is long, and I would not bit copies thereof are in many hands. A bane not interted it here, at a spatialization of P

There are many in Sprain parta that have written of Combats, aci in Latine. French, and Italian, As Alciat, Lancelptus, Comadus, Johannes le Lighano, Mutio Juliao Politano, Berandler, Beuthens, Defdiqueres, &c. to salons the refer the reaser, for that it is late to follow the Ans of Bartiament concerning the suitomion of this Court, and such performs as have been being the contradictions of this Court, and such performs as have been being the contradictions of the Court within the great many and all the court within the great all the great all the court within the great all the court within the great all the gr oppression of his people. eg to ordain a The Kingwi

Que of the Realm.] This is to be universion in any regions put beyond the Bear to partibus exteris Re granfmbrinis. For whom the Wed the Sta mirall Bath jurisdiction, which Admiralle our Englith Beptune) canget mebbie with any thing sone beyond the Deas upon the Land, and the Confiable and Part

with any thing some beyond the Seas upon the Land, and the Constable and Marian delay that have no constance of any thing done upon the Seas is selected and of treatons. That all treatons, misprisson of treatons of the Land, the line of the Land, thousand the line of the Land, thousand the line of the Land of the Land, thousand the line of the Land of Digh Arealon is not triable by Judy according to the courte of the Com mon laws of the Realm in that cake for want of proof, as by all the pulbents aforefainit appeareth. Peither both the fain An of 35 H. 8. 02 5 H. 6. tibes var, the Ptatute of 28 H. 8, cap, 15, for trialiof treatons done upon the Mes and the Third gas affect the become out of the Mealin. Dee hereafter Cap. 23, and the Third gas Vid. Regi. 129. of the Institutes, Cap. of Pirace, pag. 111, & 112, and there was no doubt conject bed of the trial of them. Dee the preamble of the statute of 35 H. 8, and of 5 " Many Derchant English be fpoiles, og bis goods taken from bies ber

The Scile Deir, 19.18. gent inquifftion, and if the accuferbefound falle and that he hath given falle wita? nelle against his brother, then shally ou do to him as he had thought to do to his brother, and thou their pur cvill away from the middelt of thee. ni ton. 15 -1.1zfl.z,2

L RotPark .85.un. 3 H 2

The ludgers

bounded aroll

Vide inita. H 4.00. 14

in the 3. part of the Inft. pa. 34.

See 5 El.ca.5:

Note remedy by E. 6. theCommonlaw for wrong done beyond the Sea Dea byany Perchants ftrangers, and the Englift Perchant cannot upon tuff

attain to justice there, he shall have upon testimony thereof a writ out of the Chancery to arreft the Merchants Grangers if they come into the England, og their goods, oc. untill they be latisfied. Dee hereafter the Chapter of Admiraltpun

Before this Ad at a Barliament halben in the 8 pear of R. 2. It was enaded, Roc.Par. & R. 2 that no plea which though concern the Common law fould be tried befoge the nu. 31. not prin-

Constable and the Marfball.

20 addition cither of perfons of of jurifaction can be added to this Court, un. Roc. Par. 5 R. 15 leffe it be by Ac of Barliament, " fog ancient Courts ought to be erercifed acto; nu-39. Bennet

ding to the ancient and right institution.

In the Appeal afazetato between Upson and Down in 8 H. 6. after battell joy. 6 H.7.5. Simile nen, the Bings weit out of the Court of Chancery iffued to the Sheritts of Lon- 4.5 don, as we find it entred and recorded in the great book of the Abby of Bury, fol. 87. as followeth. 1179 20

Rex Vis' London Salutem : Pracipimus vobis firmiter injungentes quod Breve Vic'Lond, quasdam liftas et barras de meremio fortis et fatis sufficientes pro quodam Duello pro liftis de barinter Fabannem Upton Appellantem et Johannem Down Defendentem, se-tis, &c. pro du-cundum legem Armorum die Luna prox futur apud West-smithsteld in sub-Lex Armorum, urb Civitatis pradicta Deo dame persiciend contra diem pradictum nostris Producilo. &c. Sumptibus et expensis erigi, construi, et fiert fac in omnibus pront in ultimo See the Articles duelle ibidem facto fact fuerunt, et qued terra infra liftas praditt cum fabulo Tho. of Woodsufficiente et equalit cooperiatur, Ita quod aliqui lapides grandes aut arena flock Duke of infra cas dem listas minime inveniantur quovismedo: Et de emnibus et singulis ble of England, pecuniarum summis quas circa pramissa applicaveritis, nos vobis in compete about the beginwellro ad Scaccarium nostrum per prajens mandatum nostrum, debitam alloca- ning of the reign tronem habere faciemus, &cc.

Be this writ me ablerne 4 things. I. That Sheriffs ought to make the See mod fac' 168, se. 2. The manner both they are to make them. 3. That they ought duclium coran to make them by the kings milit. 4. That they are to be made at the kings tege.

By the flatute of 1 H. 4. all Appeals of things some within the Realm Gall be tried and betermined by the good laws of the Realm, sc. And that all Appeals made of things done out of the Bealm fall be tried and betermined befoge the Ro. Par. 11 H.4. Conflable and Parfhall of England for the time being, and that no Appeal be pur- nu.24. fued in Parliament.

Abey proceed according to the Customes and ulages of the Court, and in ca. 413 H.fo.4,5. les omitted, according "to the Civilliato, fecundum legem Armorum. And there. (By the Civil fore upon Attainders before the Constable and Parshall of England for the time lan, Go. being, no land is forfeited, or corruption of bloud wrought.

For Mecords, Book-cales, and other Authorities in law as well for the expost- fo. 78. tion of the faid fratutes, as for the jurifoidian and proceedings of this Court, blee o in Hann. 14 the First part of the Institutes, Sed. 102. and 745. and perute the Authorities there Alistatutesmake cited. Dee atle the petition of Kight, 3 Car. cap. 1.

It's to be obsetued that after lentence pronounced in this Court of Chivalry in Confable ad cale of Arms the party grieved may appeal to the Bing, toberest you may read a Marchall & Ad notable Record, Rot. Par. 13 R. 2. parte 3. Pote also aspecial woll, An. 14 R. 2. miral of Expland intitules Rot. process in curia militari in causa Armorum, Int. Ric. le Scroop shall be observed intitules Rot. process in curia militari in causa Armorum, Int. Ric. le Scroop shall be observed intitules Rot. process in curia militari in causa Armorum, Int. Ric. le Scroop shall be observed in curia militari in causa Armorum, Int. Ric. le Scroop shall be observed in curia militari in causa Armorum, Int. Ric. le Scroop shall be observed in curia militari in causa Armorum, Int. Ric. le Scroop shall be observed in curia militari in causa Armorum, Int. Ric. le Scroop shall be observed in curia militari in causa Armorum, Int. Ric. le Scroop shall be observed in curia militari in causa Armorum, Int. Ric. le Scroop shall be observed in curia militari in causa Armorum, Int. Ric. le Scroop shall be observed in curia militari in causa Armorum, Int. Ric. le Scroop shall be observed in curia militari in causa Armorum, Int. Ric. le Scroop shall be observed in curia militari in causa Armorum, Int. Ric. le Scroop shall be observed in curia militari in causa Armorum in causa armor Chivalier, & Robertum Grovener Chivalier.

And for this cause (amongst others) ethe Heralds are Attendants upon this An Ac not in Court. Of thele Beralos there be tres Reges, viz. Garter Rex Armorum, Cla-priat, touching

Fortele' cap. 32.

couphing the Cours of the

for arraying and muffering of men, which at this day is of force, and no other. Vide 8 H. 4, nu. 13. Clergy ex out of thet. See also 14 E. 3. Stat. 2. nu. 53. a Commission of Lieutenancy. See hereafter amongst the Ecclesisticall Course. Tit. Appeals, Vid. Glover \$2,83. c Saxonice Symbold, i. honorem tenent, Latine faciales. 5 E. 4. 6. b. Pl. Com. 12.b.

renceux

Wilmots cafe.

a Rot. Pat. 1 R.3. Rot.Pat. 2 & 3 Ph.& Mar. 18. Fuly: Their Col. ledge is in the Parish of S.Bennet in Castle Bainard Ward granted to the corporation of the Heralds by Letters Patents bearing date 18 July 1555.An.2, & 3 Ph. &. Mar. 6 Ezek, 13.8,9. Pfalm 69 delear. tur de libroviventium, cum juftis non feribantur. I Efdr.ca.2. invenerunt, & ejecti funt. c Discharged of Subfidies. Or in the Kings Bench or other Court. Nota, pro Barone. Vid. 8 H.6.9,10. 14 H 6. 2. Lib. 6. fo. 53.b.leCountes de Rutlands cale.

renceux Rex Armorum ex parte Auftrali, Norroy Rex Armorum ex parte Boreali, & fex alii Heraldi. Thete Cuntit Beralos are mellengers of war and peace, skilfull in befrents, pevegrees, and Armogies ; they mariball the Rilemni. ties at Cozonations, they manage combats befoze the Contable and Parfall, and upon requelt they folemnize the funerals of noble, bonourable, reverend, and worlbipfull Parfonages. " They were firtt incorporated by Bing R. 3. and afterwards newly incorporated by ming Philip and Duren Mary. Their learn. ing and faithfull dealing in bescents and pedegrees upon jult proof map be a mean to quiet many controverlies about the titles of honors, biguities, and inher ritances.

In the Prophet Ezekiel it is thus weitten : Dicit dominus deus, & erit manus mea fuper Propheras, qui vident vana, & divinant mendacium : in concilio po-

puli mei non erunt, & in feriptura domus Ifrael non feribentur. 20 20 20

Upen thefe latter wozes Divines do hold, Quod mos erat in Ifrael, quod unaquæque familia genealogiam ejus scriberet, in qua dignoscebatur quilibet de qua cribu erar, & de qua familia, & qua fizreditus ejus effe deberet, & lle qui penitus dell'ruetur non feriberetar, la alla forme con la contra de confirmation dell'estate

Ebele Beralds are diftharged of Subfidies, Tolle, and other charges of the

Common wealth by Letters Watents of E. 6. Anno 3. of his reign.

See the First part of the Institutes for bearees, and creations of Pobility, and 62. Hi quaserunt triall thereof, Sect. 9. fol. 19 & Sect. 95. fol. 69. whereunto you may abor no-feripturam genea- table, writ in 4 the Register, when a Baron or any bigher vegree of Rubtify is logia fue & non fued in the Court of Common pleas, and processe abacted against him by Caplas of Exigent, then may be the out this with miner dood tilamps to sin is minime incorrantur

Rex Justiciaries suis de Banco Salutem. Mandamus vobis, qued f. G. T. d Regift. 287. b. miles coram vobis fectam alicujus per actionem personalem implacitatus existit, talem processum et non alium versus ipsum in actione pradicta fieri faciatis, qual' versus'dominos, magnates, Comites sive Barones regni nostri Anglia qui ad Parliamentum nostrum de sommonitione nostra venire debent aut corum aliquem secundum legem et consuctudinem regni noftri Anglia fuerunt faciend', quia pradict G. T. unum Baronum regni nostri pradict' ad Parliamenta nostra de sommonitionem regia venientium recordari, &cc.

The Barony of Edmond de Eincourt commonly Deincourt of Langley in Lincolnshire oziginally created by Mazit, had long continued in his streame, and baving no iffue male, defirous that his Dir-name, Arms, and Barong, all which be held in fee fimple might continue, by bumble fuit importuned wing 10 E.2. Camden E. 2. foz that be conceived , Quod cognomen fuum & arma post mortem fuam delerentur, & corditer affectabat ut post mortem ejus in memoria haberentur, ut de maneriis & armis fuis feofferat quemcunque voluerit : and in the end he obtained his fuit by the Kings Letters Patents under the Great Seal, and afterwards about 19 E. 2. be affigned accepting to the kings grant his Dir name, Arms, and pollelitons. For we find in the close Bolls that the faid Ed-mond Baron of Eincourt fat in Parliament untill and in 18 E. 2. and that after bis deceale his afligneelat in Parliament in I E.3. by the name of William de Eincourt, and in bis heirs males the dignity, firname and polleftions conti-Willielmi domi- nuco * untill 21 H. 6. and then bis male together with the name and bignity cealeb.

And I die bear the Baron of Burleigh Logd Treaturer Deputy to the Carl of Shrewsbury then Carl Marihail of England, in hearing of the cause by the Queens commandement between Edward Nevill and Lacy Mary Vane Daughter and beir of Henry Loze of Aburgaveny for the right of the Barong of Aburgaveny, bouch a Record in the reign of E. 4. That the Lord Hoe, who have to his enligns of honour quarterly Dilberand Dable, having notifue male, by his

Brit. Rot, Cart. 23 H.3.nu.32. 34. Almarick Earl of Leic' Matth.Par.pag.

Inquifit'21 H. ai de Eincourt

Hil,anno 31 El.

Lamb. 136. Ho-

ded under his feal granted bis name, arms and dignity over; but habing not the Kings keenfe and warrant, the fame was in Parliament abjudged to be boid.

Dur Beralos are condituted by Letters Patents, and babe many ceremo. ties done unto them at their creation, but those ceremonies are not of the effence of their office, but the Letters Patents only : and to was it adjudged in the Bings Bend in the reign of Quer Eliz. in the cate of Dethick Bing of Arms. But thus winch of Deralds upon this occasion shall fustice : and now let us return to our Conflable and Paribal.

In ancient lams befoze the Conquell, you shall read De Heretochiis of Here- Inter leges Edtogus, i. du foribus exercitus, ab Here exercitus, & toech ducere. wardiregis.

Heretochiis agrath with either of thefe great Difficers, Conftabularius of venden Annal-Heretochus agrath with trutt of the Branch Concilium pro communi utili- cap. 35. De HeMarifchallus & Istu vero eligebantur per commune concilium pro communi utili- cap. 35. De Heretochiis.

tate regni per provincias & patricos in pleno Folkmote,

Libis office of the Constable of England was afterwards of inheritance of ancient time

to the tenure of the Mannozs of Harlefield, Newman, and Whitenhurst by Lamb ubi sup
Grand Sericanty, in the line of the Bohuns Earls of Hereford and Essex, Hovend ubissip. and afterwards of right in the line of the Staffords and Dukes of Buckingham, 'See 11 El. Dier as beits general to them: at the last by the opinion of * all the Judges it was, 285. fo resolved lawfully betrended to Edward Duke of Buckingham, who was attainted of in 6 H. 8. treafon, in Anno 13 H. 8. whereby this office became forfeited to the Crown, and lince that time both in respect of the amplitude of the Authority both in war and peace, and of the charge, it was never granted to any fubjed, but now of late hac vice.

For the office of the Carl Parital, the the First part of the Inflitutes, Sed.

102. & 135.

The effect of the grant of this Office of Contrable of England is in bery feto mozos, viz. Officium Constabularii Anglia una cum omnibus feodis, proficuis, commoditatibus, & emolumentis quibuscunque officio prædicto qualitercunque pertinentibus, & ab antiquo debitis & confuetis. And by no means me are to follow the irregular prefident of the grant thereof by hing E. 4. in the 7 pear of his reign to Richard Widevile Carl Rivers and Logo of Grafton and De la mote for his life : which Patent pou thall find Ron Par. Anno 7 E.4. part 1. and is directly against the Common late and the fatutes concerning the furfsoidion of this Diffice, and therein to ober reach all the good and wholefom lawes made for the declaration of the furisdicion of this great Difice, power was given to the Carl Rivers to habe conutance in cafe of Bigh trea. fen. and other caufes and affairs; Que in Curia Conftabularii Angliz ab antiquo, viz. Domini Gulielmi Conquestoris progenitoris regis, seu aliquo tempore ciera, tractari, audiri, examinari & decidi consueverunt, feu de jure debuerunt five debent, & diversa alia perperam. And therefoge by no means the same or the like is to be drawn into example.

Foz grants of this great Dire of Conftable of England, It the prefidents. and by that which bath ben faid chofe the beft. Rot. Par. 1 H. 4. parte i. Henrico comiti North, pro vita, Rot. Pat. 4 H. 4. parte 2. Johanni filio regis, ad pla. citum. Rot. Parl, 1 H.6. nu. 23. Duci Glouc' ad placitum, Rot. Pat. 1 H. 6. parte 2. Johanni Duci Bedford pro vica. Rot. Pat. 8 H. 6. parte 1. Richardo Duci Eborum in absentia Johannis Ducis Bedford. Rot. Pat. 25 H. 6. parte 1. Johanni Vicecom, de bello monte. Rot. Pat. 28 H. 6. parte 2. m. 22. Henrico Com. Northumbr. ad placitum. Rot. Pat. 29 H. 6. parte 2. m. 22. Henrico Com.
Northumbr. ad placitum. Rot. Pat. 29 H. 6. parte 1. Edmundo Duci Somerset.
ad placitum. Rot. Pat. 1 E. 4. parte 3. m. 188. Johanni Com. Wigorn. Rot.
Pat. 7 E. 4. parte 1. Johanni domino Tiptost. Rot. Pat. 7 E. 4. Ubi supra Richardo Com. Rivers. Pat. 8 E. 4. parte 1. Pat. 9 E. 4. Georgio Duci Clarenc. Pat. Hicomnium imposted parte 2. Richardo Duci Gloc. Pat. 10 E. 4. parte. Johanni Tiptost Comici manissmus: but Wigorn. pro vita. Pat. 16 E. 4. parte 1. Richardo Duci Eborum. Henricus Stafford Dux Buckingham jure haredicario. Pat. 1 R. 3. Thomas dominus Stanley, unpaid, respect 3 finem. tong be toftelenberedndered prot m, directly to east of constitution

Fac. 5 1 E. 1. 11.2

Siriesite

This great office bath been ulually granted, as by the prefidents aforefaid appeareth, Exercendum per se vel per sufficientes deputatos suos, seu per tufficien, deputatum fuum.

There is also an Diffice of Subconstabularius granted to Thomas Kent Dodoz

oflames. Pat. 23 H. 6. parte 2: Simile Pat. 22 E. 4. m. 1.

There is alfo Clericus Conitabulariz Angliz, & Promotor caufarum & negotiorum regiam majestatem tangen'. This Diffice was granted to Thomas Appulton with a fe of fibe marks, Pat. 8 E. 4. parte 1.

Concerning the grants of the Office of Carl Warfbal of England : for this Diffice eber paffed by the grants of the ming, and neber belonged to any Subted by reason of tenure, as the Stewardhip, and Contableship of England

cometime did.

Rot, Cart. 20Re2 m.I, n.3.

file that ever came in any Pa-

nu. 17.

Rex, &c. Sciatis quod cum nos nuper de gratia nostra speciali concesserimus dilecto confanguineo nostro Thoma Comiti Notingham Officium Mareschalli Anglia, habendum ad totam vitam suam : Nos jam de ulteriori gra-This is the first tia nostra concessimus præfato consanguineo nostro officium prædictum * una cam nomine & honore Comitis Marefchalli. Habendum fibi & haredibus fuis masculis de corpore suo exeuntibus, cum omnibus seodis, proficuis & pertinentiis quibuscunque dico officio qualitercunque specantibus imperpetuum. His teftibus, &c. Dat. ra Junii Anno regni fui 20. This Charter of creation is confirmed by Ad of Parliament. The fogmer grant befoge rerited, pet hogter than Rot. Carr. 9 R. 2. this, was made anno 9 R. 2.

Fez other grants of this Office in Rot. Cartarum, Pat, & Parl. Se Rot. Cart.

1 Johannis parte 2. nu. 85. Rot. Cart, 9 E. 2. nu. 32.

TI H. 3. m. 14. 16. 22 R. 2. parte 1. m. 12. 1 H. 4. parte 1. & 5. m. 6. 1 R. 3. parte 1. m. 12. Vide Rot. Par. 2 1 H. 7. parte 3. 2 H. 8. parte 2. 25 H. 8. parte 2. 1 E.6. parte 1.m. 19. & 22. 19 Ja. parte 13. nu. 5. f 3 H. 6. m. 181.

I Maria, no. 34. 1 R. 2. m. 4. & 3. Vid, Rot. Parl. < 20 R. 2. nu. 33.

Parl. 21 E. 1. Rot. 1. Que pertinent ad officium Comitis Marefchalli, &c.

Pat. 32 E.4, m.2.

There was also Vicemareschallus, which office was granted to Tho: Grey hac vice.

Vid. Lib. nigr, de Scaccario, concerning the offices of the Contable and Par-Ball, & Lib. rubro fo. 36.

De alto the Maribal of England, Fleta lib. 2, cap. 4, 5. and Britton in pring

cipio libri.

Mich. 13 E. 2. in Scaccario pro feodis Constabularii Angliz.

Hil. 5 E. 3. in Scaccario Certificatio fact' Regi pro officio Mareschalli. 1 E. 3. fo. 16. 2 E. 3. fo. 12. 48 E. 3. 3. Rot. Parl. 2 R. 2. nu. 47. 5 R. 2. Tit. Trial 54. Rot. Par. 5 H.4.nu.39. Kelwey 172. Stanf. Pl. Cor. 65. Fortescue ca. 32. fo. 38. 5 Mar. Br. tit. battell 19.

Hereflica fignifieth a Soldier bired and departing without licente, beribed of

Here, exercitus, & fliten, to depart.

Regift.fo. 19 142. If any Boldier habe cobenanted to terbe the Ring in bis toar, and appears not at the time and place appointed, there lyeth by the Common law an ogi-ginal wait be Capias conductos ad proficiscendum, directed to the of the unights & Par. 9 E. 3. nu. 18. Der feants

Serjeants at Arms to arreft and take bim toberefeeber be map be found, and to being bim Coram concilio noftro with a claufe of affiffance : but of this matter fet the Third part of the Inftitutes, Cap. [Doldiers that depart, ac.] De 3 Car. the petition of Right concerning Partial law, and the Commission to Lieute. nants, øc.

To conclude with fome fort touch concerning right of war. Si quando ac- Deur, 20. 10, &c. cefferis ad expugnandam civitatem, offeres ei primum pacem : and fee there many things concerning right of war. Quis rex itures committere bellum Luc. 14. 31; adversus alium regum, non sedens prius cogitat si possit cum decem millibus occurrere ei qui cum viginti millibus venit ad fe, alioquin ille adhuc longe agente legationem mittehs rogat ez que pacis funt

Hand facile vincitur qui de fuis & adverfarii copiis, vere poterit judicare. Tucitm. Qui colloquium offere, lemper pavescit, he that offereth parle in eber afran. Vegetim de re Nulla sunt meliota consilta quam que ignoraverit adversarius antequam facias: militari.

Nullum bellum eft juftum, nift aut pro rebus petitis geratur, aut ante denunci- Cicero Offic. atum fit, & indictum. it is like i

Jure gentium non licet indicas inimicitias exercere & bellum gerere, priuf- Cambden. quam ille à quo injuria fit orfa moheatur illicitam injuriam refarcire, & abiaingles in the context. First, be is not only a Bodge, but high, wither

Juftum autem bellum oft qued tria bec habet, Authorem, Caufam, Pinem: Lipfum. Semper in prælio hiis maximum periculum, qui maxime timent. 33894 le simit Saluft. Longa belli preparatio celerem dat vi Coriam: | 30 1 10 1001 200 10 10 000000 Veget. & Se

Ideo fuscipienda funt bella, ut fine in juria in pace vivatur, mina fich in Seff neca. In republica maxime confervanda funt jura bellions at dedires des dinter D Cic. whi fup.

* Olim veteri lege armorum cives & burgenfes militiam tractare prohibiti fue Ariff. 10. res elle furfediation of this Court, and within lotter base

wite fouch Vegetius for his own honor and worthineste, and for that Forteleue Tit. Coron. celes the string and sententing and Chiese at London field be coten in

Perocerud Marefeballara Cut. Die vertie fac. juratores fager feloues captes Tier Court here die beneratien from the Common law of England. Rift's Dainbal by rod Bomies of W. 1. can take no in for boing of his office, but only of the thirty, but firth fire substar Ada of Partiament babe giben bim, be

Sof the ice of the Parity of the Bings, boule, and or theft beniers, oud ferbitoes of bila, feerbe flatute of 2 B. 4. capt 23. all conclude this Chapter with en Mit of Parligment not in frint. Et ist eneded ibne eberg per fon erreffet ere fe egermalien, mag rell bis abm rele, euc tuer ibe edirera to not pain u. Ceige, See Par 50 E.3. inc. 91, 62.

ece (aufo de men de menda da finales, Cop [Bodaice and a supression of Georges). Les productions of Georges (de mandion of Georges). Sofare the state of the

Sertenier at Al me to each and take bim borrefeever hemad be Guid, and

The Court of the Marshalfea.

The name. I part of the lan-Birutes fect. 101; & 135 4 H.6-8-Light 4

229. (Whereforeit is called the Court of the Marshatfea.

C.The Farts diction of this Court is original & ordinary. 4 H. 6. 1. ram Rege Rot, 58. Midd. W. I. c. 26, fees.

Lu.31.

aboughtillo adher lence. De the deribation of Mareschallus & Mareschalcia, fe befoge in the riest intecebing Chapter of the Court of the Conftable and Parfhal , that thep be deritted from two Sanon words, which we conceibe tendeth much the the woof of the antiquity and boueur of our Astion, thing other Retions babe The Antis the came Officers and Offices; and in refpett their name is beribed from the quity & honor language of our Ancellogs, it is like they took the fame from us.

Atheir in this Court the Sectoard and Partal of the boufbold are Indges, and the Steward hath the precedency, get the Court is called the Court of Parfhalfea for the caufes. Firft, be is not only a Judge, but feth that execution (which is the life of the law) be done. Mecondly, Dis office is in face both in time of peace, and in time of war. Ehirdly, though the Conflable bath the proceedency of the Parihal of England, pet the Court bolden befoge them is called the Parchal Court, for the cautes afozefaid. Se befoge in the Chapter of the Conflable and Marthal, fie alta Ros. Par. anno 8 H.4. nu. 82. that the Court of the Maribal saybeld no plea buchtch as were beiden in the reign of E. 1.

For the surisdiction of this Court, and within what precind, fe in my Meports, Lib. 160 60.68160, Scalle cafe del Marshalles Lib. 6160.2012 1. Michelbornes cafe. 7 H. 4. 15. in Calvins cafe. Lib.4. fo. 46,47. Swifts cafe. De Parl, 30 E.T. Rot. 2. All inquifitions concerning any Citizen of London fall be taken in

Pertinet ad Mareschallum Cur. hic venire fac, juratores super selones captos Hil, 20 R. 2. Co- cum manuopere in Aula regis.

This Court bath bis foundation from the Common lato of England.

This Paribal by the flatute of W. I. can take no fie fog boing of bis office, but only of the Ring, but fuch fees as latter Acts of Parliament babe giben bim, be may take. Det the Third part of the Institutes, Cap. Ertoztfen.

For the fees of the Parihal of the sings boufe, and of faff-bearers, and fer-

bitozs of bils, te the flatute of 2 H. 4. cap. 23.

the mosair can decement

To conclude this Chapter with an Act of Parliament not in print. It is e-Rot. Par. 17 E.3. naded that eberg perfon arrefted into the Parfhalles, may tell bis own tale, aud that the Difficers bo not paffe the Merge. See Par. 50 E.g. nu. 91,162.

C A P. XIX.

The Counting-house of the Kings Houshold. Domus Compotus Hofpitii Regis.

A is commanly called the Grencloth, in refpect of the Green cloth upon the 33 H. 8. cap. 11. Lable, whereat the bonourable Dfficers bereafter mentioned do fit, viz. the Lozd Steward, the Treafurer of the Bings Boule, the Controller of the Bings Boute, the Mafter of the Boufpolo, the Cofferer , and two Clerks Controllers continually fitting in this Counting boule for thete purpoles. Sirft, for daily taking the accounts for all expenses of the taid boulboids Decondly, for making of probifions for the faid bourhold, according to the Laws and Statutes of the Realm. Abiroly, for making of payment for the fame accordingly. Fourthly, for the good gobernment of the Kings ferbants of banfold fiftbiy; the Cofferer is to pay the wages to the kings ferbants beneath the ffairs, and the Lord Chamberlain above the ffairs of the Kings boulbold. Vide 39 Eliz.

eap. 7. and he is to account in the Erchequer for about 400001.

At Fleta de officio Thefaurarii Hofpitii regis, &c. Habet enim Rex alios clericos Fleta lib. s.c. 13: in holpitio fao, at Thefaur: Garderobe for que eft locus Clericis tantum affigna- Thefauratius tus, que in Francia Camera Clericorum appellatur. Huic emm Thefaurario cur' Garderobe. expens' Regis & familiz fuz committit. qui cum Clerico provido fibi affociato pro

Controllatore recordum habet ut in his qui officium fuum contingunt. Officium Thef. Garderobe eft pecunium, jocalia exemna regi fa da recipere Compotum red-& recepta regisque fecreta custodire, & de receptis expens' facere cationabiles, dere. expensarianque particulas inbreviace, & de particulis compe reddere ad Scaccari- De confilio Reum fingulis acnis in festo 5. Margarete abique facramento prestando, en quod de gis juratus.
confilio regis est juratus, Et unde primo debet distincte & aperte comp. reddere Modus compoti de omnibus recept. leparatim per le in uno rotulo. In alio autem rotulo de expensis quoridianis de quibus Sen, andiverie comp. simul cum Thes. & consocio son. Item de necessaria expens, in quibus captiones equoram scariogia & plura alia continent. Item de donis. Item de oblationibus eleemofynis. Item de va-diis militum. Item de vadiis balistar. Item de feod. orinsecis. Item de prastit. & accomodat'

Item de expens. Garderobæin quibs emptiones pannorum, pelure, cere, speru tele, & hujusmodi comprehenduntur. Item de jocalibus. Item de expens. forinsecis, in quibus diversi onerant, in compot, reddend. Item de Nunciis. Item de Falconar.

These, autem memoratus convenire debet singulis nochibus Sen' hospitii. Ca- Convenire singulis nochibus.

merar, Controtlatorem & clericum ejus, Coffrarium, Mar, aulæ & hostiar, milites, gulis nocibus. Mar, serviente & duos hostiar, aulæ & hostiar, cameræ servientes, assessorem fercu. lorum, pincernam, panetr. piftorem & clericum corundem officiorum, qui de expenf. dieta, viz. panis, vini, & cervif, pichiorum, ciphorum, falis, fructus, cafei & hujusmodi respondebit.

Item duos magistros Cocorum, lardenar. poletar, scutelar, falfar. & cleri- Magistri Cococum coquinæ qui de eisdem officiis pro omnibus in corum præsentia de expens, il- rum. lius dietz reddit rationem, quorum omnium przfentia necessaria est. Item Elec- Clericus Coquimolynar, janitor, servientem ad custodiam summar. & carectarum deputatum na. & clericum de Marescalcia cum Marescall' fractore equorum, qui quidem clericus de expeni, feni & aven, litere fracture equoru & harnelie pro equis & carectis ac de vadiis servient, scutiferarum clericorum & garc' respondebit, cu jus interest scire tam de hiis qui de novo erunt admiffi ad vad. Regis, quam de vagantibus & in hiis vadia minuere & augere. Vadia autem absentibus fine speciali pracepto regis nili obsequio rege fuerint minime concedunt, præsentia autem Coronatoris

Regis necessario erit in pleno compoto compoti auditores super foro frumenti & aven, instruct & edocet qualit, proclamat, in eisdem partibus per quod melius fcire possint quod panes obolati fieri debent de quart, frument, quibus omnibus congregatis audire debet expenf. & rationabilem compot, illius dieta.

Mareschalli autem de supervenientibus debent inferiori Mar. testimonium perhibere. Hostiarius miles hostiariis aliis de numeroferculorum lardenar' coco. camerar', hostiario camer' Regis, & sic quibus alli, & sic audiat, compotus de tota dieta.

And then followeth a description of the duties of the feberal officers abobefaid,

worthy the reading.

Artic, Sup. Cart. The Cofferer is in Flera called Coffrarius of the Coffer : because be fould babe cap. 2. money in his Coffer to pay mages, et. as is afozefaid. It is enaded by the fa-† Countingtute of 28 E. 1. cap. 2. Abat all Burbepozs thall account in the + boulbold, of in house having the the mardrobe. Rot. Par. 28 E. 3. nu. 34. no Burbeyoz arrefied thall be brought Green-cloth befoze the Conncel, gc. but take bis remedy by the Common law. De the Third Rot. Par. 28 E.3. nu.34. part of the Institutes, cap. Purveyours.

* Set the fatutes concerning Burbepours, Anno 36 E.3. cap. 2,3,4,5,6,&c. But obfer be that there is left out of the print the pain on the Steward, Treaturer, Controller, and other Officers of the bourbolo at the kings wilt, for not erecuting the datute : which omiffion bath made those of the Grencloth the

At that Parliament it was also enaced, that the Bings carriages Gould be Rot. Par. 36 E. made in as eafte manner as might be, and that in the Bummer, and other times 3. nu. 18. conbenient, as in August (which is also left out of the print.) For the Minus Cartages fe Mag. Cart, cap. 21. and the exposition upon the fame in the Second part of the Institutes. nina far come in

For the Mardrobe, Vide 15 B.z. Rot. perfer r B.4.ca.r. Clerk of the Mardi robe. Rot. Parl. 7 H.7. the expences of the mings boulbold and collarozobe: 1 H. 8. an Ad concerning the great Wardzober 3 H. 8. the affignment for the Bings Wardzobe. 39 Eliz. cap. 7. Patter of the Wardzobe; whole office is accountable in the Erchequer. De W. r. cap.44. what iffues the Bings Juffices are to eftreat into the Warbzobe : moze of the Warbzobe, Roc Clauf, 33 E.r. m. 34 Rot, liberatiomum, 14 E. z. m. 4. To conclude, De Rot, Clauf. 18 E. 4. m. 13. where it appeareth that Letters and Wigitings concerning matters of State. Vide infra c. 26. muich were not fit to be made bulgar, were involled in the allagogebe, and not in the Chancery, as league, where and ought to be, as it appeareth in 19 8.4.6. And thus much of the Ware robe being mentioned in Flets. The Officers of the Counting-boute neber belo plea of any thing.

> in quibus diverti on earn on comport, reddend. Itemide intermis, leen to Edeoper. of their autem memoratus competite debet finguis to Chous Seut to fath, Ca-

> Mar. fervienie & duochoniiar, aula & bofilar, camere fer corres, alle llovem terrulorum, pincernard, paneir, piftorem & cierrium coruntem officiorum, qui de ex penf diera, viz. panis, ving & cervif, publicrom, ciplicrom, field, finding daffif.

perones to another the

*36 E.3.ca.2,3, 4,&c.

enn . issue 6 1 hel, autem menorenastonen bestehen eine Konkennum, Mar, anfæ & holdar mil tes Colf arfas

cum cognitive qui de citalem officia pro carnaus in conoin sectentia le expend, u has dietweeddickraffonear, gaorum ordfinw pryfepila accallaria el trem Blue. Cigist Co mofygar, jantor, feretegiem ad tuftodiam funggar, & carrelanni deparatum 1-

rele, & hazulmodi comprefiendancur, frem de jocalilar, ligan de axistoli,

de vadis fervient, fontiferarum dericorium & garet refpontebir, ca jas intereft feis ; tam de bins qui de novo erunçadmitit ad sad, Rege, quam de se enobus & in

la mingere & engeled. Vadia autem ablebubus fine special, greeproregis nifl obliquio reg' fuerier minime cancedant, presenta carem Coronatorio

hujukoodi raspondebit.

R.cgis

CAP. XX.

The Court of the Lord Steward, Treasurer, and Controller of the Kings houshold, concerning felony by compassing or conspiracy to kill the King, or any Lord or other of the Kings Councell, &c. se complaint of the Lord Admiral of Lingford to Excellent Maidly against the lydges of the Realm.

Wer babe jurisdiction by Act of Perliament, fo anquire, bear, and deter. y H. 7. is ponet mine the faio offence, as particularly and at large appeareth in the 3 part of the la-Third part of the Institutes, cap. Felony, by compating, or conspiracy fony by compasby Doctor Dan Judge of the Admiralty, which are as long well with

fing or confpira cy to kill the King, fol. 67.71

s confirmed by three kindes of authorities in lav. 1. By Acts of Parliament IXIX Ju Comedings

The Court of the Lord Steward of the Kings house, or in his absence of the Treasurer, and Controller of the Kings house, and Steward of the Marshalfea.

Dep habe jurisdiction by Act of Parliament' to enquire of, bear, and de- 33 H. 2. cap. relievemine all Areasons, Pispeillon of treasons, Purders, Panslaughters, See the flature Bloodhed, and other malitious Aribings, whereby bloodhall be specific for the crial and any of the Palaces and houses of the ming, of in any other house where the ming ceeding in his Meyal Person Sall be abiding. And by that Ad the * limits and bounds of Rastal. Pl. 124. the mings Palaces of boules, of the boule where the Magal Perfen is abiding! See the third are particularly and expressy let forth and described. In this and like cases the re. pare of the Ind. Ser pou to the Katute it felf, for Compendia funt dispendia, und grade un understall depe Misprison, no sed a understalled and analysis of the sed of the

Contra Commy (nam bekende na trist ein se bed bad burtung en und die Kontra rei berg and eught to have burgeichen, Rus na pretiere keinde für bin ihrt eine ern Perchibition baib been granted for any roll real pleater cuerele containing any

Non frei harb ferrenicion, futiri in beinge by late beferibed to be our prane

reactentier de mate besond elle fact biterein the Course of stant

· sesse se como de de de la como de de la como de la co bewarer the teas, whereit the Common interented seminifier and her to

in met abmontder fullice ('which is the even of this Article) do belong ir the Cour Kentla ann Genthals, toe the Annier thou el the Londael la houl, cour an ro the few, behich is ontellered Country Leas it and Expedience, Electuary extent Descriptions of any compared with the feet of the feet of the case and called a formation of de 1809 del parent del comença de colon de contra la contra la comença de comença de comença de la comença de c

Comme. Die meber ab inde waatter to the Anfloer to the firth Artifeles

di ratimulion somme con describe a un encillà deser e con 2017.

mintaer

CA P. XXII.

he Court of the Admiralty proceeding according to the Civil Law,

and Articuli Admiralitatis; aniflaqmos yd

niralitatis. The Arneles of the Admirafty. The Proces and proceedings in this ! Court are in the name of the Lord Ad-

Articuli Ad- The complaint of the Lord Admiral of England to the Kings most Excellent Majesty against the Judges of the Realm, concerning Prohibitions granted to the Court of the Admiralty 11 die Febr. penultimo die termini Hilarii, Anno 8 Jac. Regis: The effect of which complaint was after by his Majesties commandement set down in Articles by Doctor Dun Judge of the Admiralty; which are as followeth, with answers to the same by the Judges of the Realm: which they afterwards confirmed by three kindes of authorities in law. t. By Acts of Parliament, 2 By Judgements and judicial proceedings: and laftly, by Book-cafes.

The Title of the Complaint. I Objection ..

miral.

Cestain grievances whereof the Lord Admiral and his Officers of the Admiralty milo mo do especially complain, fand defire redreffel ni wo aluoni

Bat whereas the communicat all contracts and other chings bone upon the Dea belongeth to the Admiral jurifoicipm, the fame are made triable at the Common Law, by supposing the same to have then done in Cheapside, and such places. By the lawes of this Realm the Court of the Momiral bath no commence;

power, or jurifoidion of any manner of contrad, plea, or querele within any

The Answer: See the flature for the this and

menter of pro-

Ral d. Pl. 124.

County of the Realm , either upon the land of the water : but every fuch contrap, plea, or querele, and all other things rifing within any County of the Resim, either upon the land of the water, and allo weech of the lea ought to be tried, betermined, piscussed, and remedied by the labor of the land, and not before. og by the Admiral mog bis Lieutenant in any manner ! Sous it is not material whether the place be upon the water infra figxom & refluxum aque : but whether it be upon any water within any County. Wherefoze we acknowledge that of contracts, pleas, and querels made upon the fea, or any part thereof which is not

The description & limitation of. the (Sea) wheremiral hath jurifdiction.

within any County (from whence no trial can be had by twelbe men) the Momiral bath and ought to habe jurifoidion. And no prefident can be thetwed that any Beshibition bath bein granted for any contrad, plea, or querele concerning any marine cause made og done upon the fea, taking that only to be the fea toberein the Admiral bath jurisdiction, which is befoze by law deteribed to be out of any County. Se moze of this matter in the Antwer to the firth Article.

2 Objection.

when Actions are brought in the Admiralty upon bargains and contracts made beyond the feas, wherein the Common law cannot administer justice, get in athele cates Poobibitions are awarded againft the Admiral Court.

The answer. See hereafter in the proofs by Judgements & judicial prefidents.

Bargains of contrads made beyond the feas wherein the Common law cannot administer justice (which is the effect of this Article) do belong to the Con-Stable and Parchal; for the Aurisdiction of the Admiral is tobolly confined to the fea, which is out of any County. But if any Indenture, Bond, og other Specialty, og any contract be made beyond fea fog doing of any act og payment of any money within this Realm, og otherwife, wherein the Common fab can administele partice, and give ordinary romand; Anthefe cales neither the Constable and spartitudi, not the Constable Amitsaley hath any justifications dispellences forestable article Court of the Amitsaley bath adesirately in necognition of the Common Law, we finde that Probititions babe betrigrauten, an by Lawthey

dughet land or most col et at lang one encrouse whole and land land of other land of other control of the Abellian of the Abel The 7 Objett. Substitute nounce of the Common later the Average of the Common later the Average Common and The Common later the Average of the Common later the Common lat miral Court is no Bout of Record and therefore per able to take luch flipus lations : and hereupon Absolibitions are granted the attenabertheory of The supposed a received encessioned in this Arcicle bath narothiostal und

The Court of the Montrelley proceeding by the Cibil Law is no Court of The Answer. Record , dan ohereforescumot take any fuch Recordiance as a Court of Record may be And for taking of Mecogni lances against the lawes of the Realis ; me finde that Prohibitions have been granted as by Law they ought. And than error neous tenedual be given inches Court, and Marie of Groze, but an appeal before certain Delegates volve, as it appeareth by the Statute of Billiz. Reginal pages 8 Eliz. cap. 5. which have been described as the court of Reference of Billiz. Reginal pages 18 Eliz. cap. 5. which have been described as the court of Reference of Billiz. Reginal pages 18 Eliz. cap. 5. which have been described as the court of Reference of Billiz. Reginal pages 18 Eliz. cap. 5. which have been described as the court of Reference of Billiz. Reginal pages 18 Eliz. cap. 5. which have been described as the court of Reference of Billiz.

That Charter-parties made only to be performed upon the Deas, are vaily with: 4 Objection.

paton from that Coursely Prohibitions:

If the Charter-partie de made within any City; Post Town, or County of The Answer, this Realm salehough it be to be performed either upon the Deas, or beyond the feas, periprihe fame to be reied and betenninen by the appinary course of the Common law, and not in the Court of the Monitolty. And therefore when that Court bath encroached upon the Common law in that cale , the Judge of the Admiralty and party fring there have been prohibited , and oftentimes the party condemned in creat and grievous vancinages by the Laws of the Realist's or posteditor which

What the Chule of Non abstance Statuto, which hath foundation in his Pajetties 5 Objettion. Prerogative, and is advant in all other grants, pet in the Mood Ambirals Pastent, is law to be of no force to warminthe betermination of the caules commicten to him in the Lozothips Patent 3 and to rejeden by the Junges of the Common late. state oft nogu deseront uton gent , nothis

Withourall quellon the flatutes of 13 R. 2. cap. 3. 29 Ru 21 cap. 5. and 2H 4. The Answers. cap. 1712 being Scattles verlating the garibitation of the Court of the Amirall, 13 R. 2. cap. 3. and wherein all the Subjects of the Realindiabe interest; cannot be difpended with 25 R. 2. cap. 5. by any Non obliance, and therefore not worthy of any animer: but by colour thereof, the Court of Avairalty bath contrary to thole Age of Pavliament in croached upon the jurisdiction of the Common law, to the incollerable grievance of the Supplement in buth both both both and any to the incollerable grievance of the Subjects; which hath oftentimes myerchem to complain in your Pajesties Courts of opvinary Judice at Well m. for their relief in that behalf:

To the end that the Admital juridication may receive all manner of impeachs 6 Objection. ment and interruption; the Kivers beneath the first Bridges, where it ebbeth and floweth, and the Posts and Erecks are by the Judges of the Common law affirmed to be no part of the Deas; not within the Admiral juciloidion: and thereupon Probibitions are utually awarded upon actions depending in that Court, for Contracts and other things bone in those places notwith-Canding that by use and madise time out of minde, the Admiral Court have had jurilaidion within luch Pozes, Creeks, and Rivers, Special state on had

The like answer as to the first. Anote is further word, that for the beath The Answer of a man, and of maphem (in these two cases onely) done in great hips, being and hovering in the maine streams onely beneath the points of the same Kivers night to the sea, and no other place of the same rivers, not in other causes, but in those two anely the same in the same rivers. those com onely, the Admirall hath cognifance. Burfor all contracts, pleas, and querels made or done upon a River. Paven, or Crock, within any County of this Realm, the Admirall without queltion hath not any purilbution, for then he thould hold plea of things done within the body of the County, which are tryable by verbict of twelve men, and meerly necessitable by the Common law, and not

The Answer.

within the Court of the Admirally according to the Civil law. I from their mere to change and after the famout the Realm in those enter and make those contracts, pleas and querels in public by the Common lates of the Realm to be decime ad aliod dexamen, and so be fentenced by the Judge of the Admiralty accessing to the Civil laws. And how bangerous and penal it is for them to deal in the soft of content at a content is sufficient to encion to encion of former agen. I see the da funct to the or appearance and pelormence of the litts and Judgements Minereland

The 7. Object. That the agreement made in Anne Domini 1979, between the Audgest of the Things Bench and the Court of the Inmiralty for the more quies out certain de execution of Admical jurilateion; is not observed as it angle to be. another

The Answer. The supposed agreement mentioned in this Article hath not as per himmelives rev unito us; but having heard the fame read over before his Pajelly cour of a paper not fubleriber with the hindred any Judge) we andwer, that hat in much oberes as different from these andwers, it is against the kains and Stances of this Realist and therefore the Judges of the kings Kielus never assumed there are presented, neither not the phase thereof agree with the rearms of the flavor of the Kealists and the Kealists and any of the flavor of the fla certain Delegates no ive, as it appen

The 8. Object. Pany other griebances there are, which is bisculling of these finance will easily int Chricersparties made only to be pertinolarmedra to olla getsood aksogn

This Article is to general, as no particular entwer can be made thereunto. onely that it appeareth by that policy buth been lawy that the Harr Abmirall bis Officers and Minifters principally by colouref the fair boit Non obstance. and to hims of learned applice have unjustly increashed upon the Common lanes of this Realm, whereof the marieil in the less, for that the Lord Admiral, his Lieucenance , Officers y and Dinifters habe without all colour increacher and intrimen upon a right and prerognitive bue to the Crown; in that they babe feifen, and converted to their older goods and chattels of infinite value taken by Pirats at Sea, and other goods and chattels which in an lost appearing unto his Louchip by his Letters Patents, wherein the laid Non obligance as cannot, and for the which he and his Micers reducing accountable to his space. Ity. And they now wearing in this believe time of passes Caules appearating to their natural Jurisdiction, they now increach upon the Jurisdiction of the Com-The Antweet. mon law, lest they should be tole and reap no profit. And if a greater number 1; R. L. cip. 2. of Prohibitions (as they affirm) bath bein granted fines the great beneficiof this 15 K. 2. cap. 5. happy peace, then before in time of holfility, it maketh from their own increachz H. q. cap. 1.1. ments upon the Jurification of the Common law. So as they do not only unjustiv increach, but complain also of the Judges of the Realm for boing of juffice in thefe cafes. al nemmo

Touching our pracedings in granting of Probibitions concerning any of the laid Articles, two things are to be confidered of. First, the matter, and fee combin, the manner. For the matter nothing bath been bone therein by your spajeffies Courts at Wellminster, but by good warrant of Law and former junicial Poseinent, And for the manner, we have granten none in the time of Macation, not in the Countine in any of our Chambers , not in the Court in the Terme time ex officio , but upon motion made in open Court by learned Councell, and after a vay prefixed; and warning given to the americ party, and upon reading of the Libell in open Court, and hearing of the Councel learned of fuch of the parties as were warned and bid actend.

The faid aufwers are proved and confirmed (as is aforefaid) by three kinde of Authorates in law of fint, by Authoritie of the High Courts of Parliament. Decordly, by Judgements and judicial Particents. Thirdly, by Bookereles, and rothelea, and no other place of the lame rivers known to enicolition of

C 1. By Att, Canderning the Mas of Parliament : It is enacted by the Statute mabe in of Parliament 13 R. 2. ca. 5. That the admirals and sheir Deposies fasti mot meddle from bence-13 R. 2. cap. 5. forth with any thing dome within the Bestle of England, but onely with things done upon the fea mandeding to that which harb been duly used in the time of the Noble King Edward, Grandfacher of King R. a. Ally tapich it is manifelt, mi biai

Hil, off. 6.

that the Juridiation of the Court of Admiralty is onely confined to chinas done upon the fea, which the americ party pielben, but claimeth by colour at a Non obitante, det. which is utterly with as bath been fain: . : 05 .10 !!

Marite, dec. which is uccerty both, as both been faid; . : : 10 H. O. H. the Admiral hath no manner of conulance, potent nor jurisdiction of any manner of contract, plea or querel, or of any other thing done or rising within the but all fuch manner of contracts, pleas, and querels, and all other things rifing within the bodies of the Countries as wellibuland as by water, as is aforefuld, and also wreck of the sea shall be tried, termined and discussed; and remedied by the laws of the land, and not before, nor by the Admiral nor his Lie nomenner. Nevertheless of the death of a man, and of a mayhem done in great Admiral both at this , being and hovering in the main stream of the great Rivers onely beneath greater jurisdithe points of the fame Rivers, and in no other place of the fame Rivers, the Admithe death of a ral thall have conntance. This latter clauseigiveth the Admiral further furth, man, and maydiction in case of beath and maphon, (with neither of which we ever medied) hem, than in obut in all other happening within the Thames , opin any other kiber , Bost, op ther cale. mater, which are within any County of the Realm, (as all Rivers and Bauens be, as hereafter hall manifeltly appear) by explets words of this Ad of Parliament, the Admiral or his Deputy hath no Auxibiation at all. Wherein it is to be observed, how curious the makers of this Statute were to exclude the Admiral continues the Admiral continu

to be observed, how curious the makers of this Seatute were to exclude the Abseniral of all manner of Junifordian within any mater which iver within any County of the Realmy. And make the Abseniral within any mater which iver within any Eby Statute of 2 H. 4, cap. 11; he firmly holden and kept, and put in discoveragion, and further at the prayer of the Commons that as roughing again to be fet upon the Admiral or his Lieutenand, that the Statute and Common law shall be holden against them, and the party grieved shall server his double dammagen. By which Ac it appeareth, that the Statute of 2 R. 2. is but an affirmance of the Common law, as shall also manifest to annear hereaften. manifell ly appear hereaften puring salamin uns europe en como blante i as hath

hein fain before; buttremais infull force; and hath best put in due execution in alum mare, which is not buthin any County, for the Meropo lating lia

Admirals suriforcian in thefe motor. All and every fuch of the faid Offences before mentioned was hereafter that be done on the main fea, of coaling f the feat being no part of the hody of sany County of this Realin, and without the pres 5 El. cap. 5. cincle juridiction and liberty of the Cinquesports, and out of anytheren on Fier shall be tried and determined before the Lord Admiral, &c. 30 as by the filters more of the implie Parliament the jurification of the Lord Ameral is to confined to the main fea, a) Coule of the Seq. theing no parcel of the body afteny denteraing therefore kings in proof, vir by jungement and favious gelis C 2. By his dente, every of them en all incolling all agency force composis, taking favious months and

The State of the probethules the Administration of the state of their grants of the state o

eutenant 10 Nota, the Lord

This Statute of 17 Eliz, capt's pelcribeth carticularly the limits of the Lord 27 El capt 11.

Pafelias, H. 6. Rot. 134.

Hil, 6H. 6. Re. 303-in Ranc.

in the Lord

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epe gine at united the appeals par y victory, but describ by grant musike set only by Hil. 6 H. 6. Rot. 303. in the Court of Common pleas betwien John Burton

Platentiff, and Birchislomew Pur Defendant, the Cale was this upon the lain Dea-tutes. The lain Bartholomew fued the laid John Burton in the Animical Course before Thomas Duke of Exercit then Admiral of England, soo that the laid John Barton with force and abuses the legand day of Septembers and a M. o. than Infine the law Bartholomew with his Partimers and Perthandizes to the value do marks, s.s. y d. obl in the lame whips being, bin take and carry amay luppoling by his livell obe fame to be taken attay; fu per alcum mare, upon the bigh Deal Although the taking aforelair was infracorpus Comi ains in Brillow of the In Portunitable laid Dhing lying in the Baben of Beiftow) and not upon the bigt Dea, contrary 18' the form mo effet of the late Statutes, the parties beltenbeu to an iffine, - com has not Arivit appearedly by the Accord, philistics being the lift Cafe that we can per Ambe that revelved Judgement in the Court of Continue pleasupon the laid Statutes, the laine depended in apollement, and veliberation eight Aermes: and then the Restin litth. He super hoc audito cam recordo quam veredicto pradicto, as per Carillin plentes intelle d'. Consideration en empe predicta occasione attachiamenti, professionis; a veracionis capan misarom as integracion ad septingencus librationis; a veracionis capan misarom as integracionis de la seconda de l bres per füratores prud, fupurima fleft'in duplum per Statutum, & c. que damna in duplo fe extendunt ad mille & 400 l. & idem Barth. ponam decem librarum erga dominium regen nume per iden Statut, incerrat, & capiatur, & querens remittir 200 l. Apin udich Rungement four things are to be observed. Hielt, that it is kontemporanted expositor, being made michin swenty years of the making of 2 H. 4, cap, 12. one of the laid Stantes, and done imporanes expolitio eft opeins, Decondly, that afbete the late thick whing with the Prilanets and sperchandies in them lay here winter fluxum de redamm aque, and there primos pomer, per that the Daben is infra corpus Comitatus, and that for taking of the Bous mu the pitioners, and merchandisepin the fame; undust bught to be in the Abiniral Court, but at the Common Late. In Thirdly, that the Court of Abunicalep bath no Jurisbiation but Super altum mare, tohich is not within any County, for the Record lateb, that ay El capi II. the law thee Shipp with the patieners and merchanbige in the fame, Die ipe infra Comicat, Brillolia, & non fuper alcum mare pas the Plaintiff in the Abmiral Count funpoles the fame to be. Lattip, that Judgement to folemuly, and with for and fement growty if it were alone, were lifficient to give full latisfaction in this no : for hidirium eft tanquam jorisdictum, and Judicium pro veritate accidicur. Cho proview of and determined before the Lord Admi

Pasch. 12 H. 6. Rot. 134. in Banc.

Shipikiowahbob Hilly Eliz Ro. of Cr. Spen-celerate, main find othersups on Charterparties.

"Ipolith, 12 His; Rot. 124, alike Anton brought by Robert Capper upon the late brances in the Court of Common pleas (retiting the late their beauties) against John Rayner of Norwich, for that the late Rayner of furthe late Cupper in the John Rayner of Norwich, to; that the late Rayner bid hus the late Cupper in the Control Amintrally before John Counter of Hundlagdon, and livery Lieutenant to John Duke of Bedford Admiral of Rogand; for that Rayner having a folio In Ports.

I Rot. 315.in banc ibit fed aput Jerimmitham contra formem dituroram pead which allo proveth procedes ampline, & his contra from the field the Banc as michine the field after the Country into 2 his contra the Banc as michine the field and the Country into 2 his contra the Banc as michine the field and the Country into 2 his contra the Banc as michine the field and the Country into 2 his contra t I She Ishe Dinter Woom in the fame Cours a tise Adian between John Widewell anumbe foir folge Rayner, Rot. 123- Infich; with manip others; being to ane effet every age for many that might be ci

nam Micho Julipa Rovist & bornen William Hore, and Jeffere tlocon for a luis istedilis Court obeinstrater before Mency Dubust Bacter. Admitatiof England, reservening is idialoga of function goiness apple it Chartemanny of affinitions dalign of the lines of five culture the Trinley of Markewas government the Projects the Pole

Pole comment the party of Meland, cum comfactus ille apud hoven Serom Infracorpus Conntatus, & non fuper altinu mare factus & junctus fale contra forme corpus Comustus, & non super alcum more factus & functus fall cours for mone statutorum pred'. The Defendant pleaded to issue, which was sound against him, and bunninges assessed to a hundred marks, and colls to sorp yound? and thereupon propertient is given by the Course, that he should treader his sammed ges in duplo, according to the statute; at. Which suggement vicenty probert, that if a Charter party of any other contrast be made inition City. Toknow a County, of the stealast, though the presonable thereof be to be done and personated upon the high Sea, pet the Aumiral hath no Jurisdiction, because it map be tried by the Cournous lap, as by the law Record it appeared. But inhere the inhole is to be bone super altum more; and no part of it infra corpus Comicans, the Adsider with any better altum more; and no part of it infra corpus Comicans, the Adsider.

is to be done sopta allum mare, and no part of it intra corpus Commands, the mileal hard Juridoinson.

The branche of 32 H. 8. c. 14. Concerning straights of hips givet to the Lood 32 H. 8. ca. 14. Admiral vy his Deputy power to make Certificate concerning the Bhips of Alliens in Poots, at. And if the Lood Admiral di his Deputy be not reliant, then his fiveth power to the Culmanter and Controllet; or their Deputy to make Certificate; hus wichout quedion this giveth no power to the Lood Admiral to hold plea of fraights of this maye than be due before, no more than to both to the Culficate and Controllet, to inform equal power is given by the Ag to make Certificate concerning the Ships of Alliens, st. in the absence of the Lood Admiral vy his Deputy being prefent, and yet no man will affirm, that the Cultomer and Controllet tan hold view of traights.

Mich 38 H. 6. Rot. 26 cr. A Premounce diduglit by John Cully Chaute, Qui Mich 38 H. 6. Rot. 26 cr. A Premounce diduglit by John Cully Chaute, Qui Mich 38 H. 6. Rot. 26 cr. A Premounce diduglit by John Cully Chaute, Qui Mich 38 H. 6. Rot. 26 cr. A Premounce diduglit by John Cully Chaute, Qui Mich 38 H. 6. Rot. 26 cr. A Premounce diduglit by John Cully Chaute, Qui Mich 38 H. 6. Rot. 26 cr. A Premounce diduglit by John Cully Chaute, Qui Mich 38 H. 6. Rot. 26 cr. A Premounce diduglit by John Cully Chaute, Qui Mich 38 H. 6. Rot. 26 cr. A Premounce diduglit by John Cully Chaute, Qui Mich 38 H. 6. Rot. 26 cr. A Premounce diduglit by John Cully Chaute, Qui Mich 38 H. 6. Rot. 26 cr. A Premounce diduglit by John Cully Chaute, Qui Mich 38 H. 6. Rot. 26 cr. A Premounce diduglit by John Cully Chaute, Qui Mich 38 H. 6. Rot. 26 cr. A Premounce diduglit by John Cully Chaute, Qui Mich 38 H. 6. Rot. 27 cr. A Premounce diduglit by John Cully Chaute, Qui Mich 38 H. 6. Rot. 27 cr. A Premounce diduglit by John Cully Chaute, Qui Mich 38 H. 6. Rot. 27 cr. A Premounce diduglit by John Cully Chaute, Qui Mich 38 H. 6. Rot. 27 cr. A Premounce diduglit by John Cully Chaute diduglit by John Cull

ral Court before Henry Duke of Exceter, that the late John Cassy all take and carry away certain sewels super alternatives, ubi idem Johnness Cassy bona illa apud Stratford at Bowe infra corpus Comitatus Midd' & non super ultim more cepit, mito is so evident, and of so bangetime consequence, as no application. on thatt be made thereof.

on that we made typered.

In the Book of Entries, fo. 23 kit. Admiralty, it appearety that the taking of Book of entries, a Sobiy eality the Trinicy of London lying than the Kiver at E in the Country fo. 23. of Kent's not super alturn mare, but infer corpus Comitates Randes. And therestore a lust so, the taking of that this lying there in the Admiral Court being John Carle of Humingdon Admiral of England appearety to be against the late Statutes, and yet no question that taking was infer suum & ressource maris, as infer primes pontes. infra primos pontes."

6 H. 7. A Plantaire brought for it boit in the Avitted Court before John Book of entries Gut of Oxford for Chung the cattring and quendam naviculate and Horob ubi supra.

Key at Southlyn St. Supposing the same to M sover alcum was a maker to time thire to pus Countaris.

Thick: 16 H. 8. Rot. 140. Ette kiver of Thinger in Belingigate is not within Mich. 16 H. 8.

The Jurisbillion of the Admiral, but intra copyle Confessor.

35 H. 8. A prohibition to John Dudley things, Littlefor United by Storing plea Book of Entries in the Course of Politically 1867 a Book of Entries in the Course of Politically 1867 a Book of Entries in the Course of Politically 1867 a Book of Entries in the Entries in the Imperior of Political Course of Political International Course of Political International Course of Political International Course of Political International Inte

printes pontes. The Roll 18. et. Level filte provide all incer Whele & Warney Ho. Hil. 36 M. s. den ret wind Roll incer Tobil & Lewes a Positivitation file of this continue make at Roc. 36 cd. Daniele in pareitus transmission. The first the Roll of the Roll

is not determinable in the Cours of the Admiralty, for that albeit the taking mas upon the high Sea, pet the promite was made upon the land, whereupon an action Common law. b treat the

Tri3 & 4 Ph. & Mar.Rot.709.in Banco.

Tr. 3, & 4 Ph. & Mar, Rot. 709, between Lawrence Matherode, and Richard Brobibition out of the Court of Common pleas to the Court of the Anmicaley, William Lord Howard then Lord Abmiral being.

Eodem Termino Rot. 8 1 z.in Banc Court to the

Tr. 3, & 4 Ph.& Mar. Rot. 811. the like Panbibition grantet out of the Came & Court of Annivates between Robert Inne Plaintiff, and Roger Garland Defendant

32 il. 8 ca. 14.

Hil. 4& 5 P. & Hil. 4, & 5 Ph. & Mar. Rot. 8 31. the like Propinition. M. Rot. 831. Bany are the Prefibents in the reign of the late Duce Pany are the Breftvents in the reign of the late Ducen Eliz, is the Court of Common pleas, the Bings Bench and Erchequer, which me purpolety omit, an infil tather upon the more ancient, pet one of two me will remember concerning things happening beyond bea, whereupon an action oto lye at the Common lap agreeable with the president in the reign of H. S.

Mich 39 & 40 El. Rot. 3158. Mich. 19. & 40 Eliz. Rot. 3158: A probibition out of the Court of Common pleas for a lutt in the Admiral Court upon a Bill under the parties hand and leal for Prench Crowns, for that the Bill was made beyond Sea.

And Mich. 3 Jac. a Prohibition was granted in the like sale to the Admiral Court by the Court of Erchequer, for Sir John Swingeron having the privilence

Mic. 3 Jac. in Scaccai.

See in the Chap, of the Court of the Conftable, and Marshall.

of that Court for a matter rising beyond the Sea, And divers Prohibitions granted also in the like cale in the kings Bench.

Jor causes of Antons which are transitory done out of the Realm, an Action may be at the Common law, but if the Action be criminal or local done beyond Sea, then before the Constable and Parthall onely.

Concerning the last manner of proof, viz. by Book cases and Authorities of our

1 3. By Book. cafes and antherities in law.

In the Register the most autient Book of the Law, fo. F. N B. fo. 87. L &

Temps E. I. Avowry 192. in CommuniBane.

In Temps, E. L. Tit, Avowry 102, a Replevin was brought for the taking of a thip in the Coast of Scarborow in the Sea; and for carrying the lame from thence into the Country of N. Mutford the Plaintist counceth of a taking in the Coast of Scarborow, which is neither sown nor place, our of which a Jupp may be taken, for that the Coasts is fost miles long, and also of a thing bone in the Sea; this Court, bath no considerce, for certain Judgement is given thereof to Spariners. Berry Chief Justice of the Common pleas; the lang willeth, that the neace he as well kent on the Sea, as on the Land, and we finde that you peace be as well kept on the Dea, as on the Land, and we finde that you are come hicher by due proces, and therefore ruled him to antimer. Dut at which Four things are to be oblerves. Aird, that it is called the Sea, which is not mith in any County from whence, some may come. Secondly, that the Sea, (being not within any County) is not within the furillistion of the Court of Common pleas, but belongs to the Admiral Arribotion. A hiroly, that when the thip came

BE. 2 tif Cet ron. 399.

Book of cattics & abl fugge.

Mich. 16 H. 8. Rot. 140.

mithin the Miver, then it is confessed to be within the County of Northumber-land. Lattly, that when a taking is partly on the Sea, and partly in a Miver the Common late shall have Juridiction. But add a confessed to 3.8 H ?? I have it. Corool 199. At a name of the Sea, where one map les what points the one part of the man and of the other, as to be from one land to the other, that the County shall expected bis office in this case, and at this the County try may have knowledge; whereby it appeared that things done there are trially broke County of the Cou

In: Throd. Tom-

try may pave knowledge; in percept to appeare to the context of the Country land to the Country land to the faired on Dier bourbeth the Records in Mich. 15 & 16 H. State of the faired on the context of the Records in Mich. 15 & 16 H. Sand and the faired on the context of the faired of the country was fetten of the space of which the faired of the country was fetten of the space of which the faired of the country was fetten of the country was an analysis of which the faired of the country was and perfect of the country was the country was the country was an appeared of the country was the country was the country was an appeared of the country was the country was an appeared of the country was appeared to the country was appeared to

Parch to El Sant Scaccario."

that the land berthien the Mobing and remobing of the leaterlongen to the more That the land between the Mobiling and removing of the less belonged to the Lord of the Mountain disjointing, as the Lord Dier bold object report, and he is a high up at E. 3. 3. In the Heapet filtower ne foit pay it that be demanted in this Court by the Common law, of the per fa ley demanter.

The E. 3 int. Condition 36. At anion of technic was blongly to taking of a 46 E. 3. it. Confine in the Basen of Hull against certain Pettons 3 the Ming general mind them, that the Citysins and Basen of the Charges of the King general mind the aliquides of the Citysins and Basen of the Charges of the King general mind the aliquides of the Citysins and Basen of the Constant was granted; which properly all the Constant was granted; which properly the Parsen of Hill where the Phip will rive was after Burguin de Pall, and by content in the Marsen of Hill where the Phip will rive was after English and the Constant was granted; which properly that the Parsen of Hill where the Phip will rive was after English and by contents. fra corpus comitatus, and beterminable by the Common law, and not in a miral Court.

R. 2. (iii) trespasse in kathom pl. 34. Intrespits to a thip and certain mer. 78. 2 Inches channize taken amay which recepts must of december be alleanied in some Normanis and County in fome kinet by Baven) the Petersant pleased, that he viv take them in le have mere over les Normans queux font enemies le roy. And it is ruled a good plea, inhich concutreth with the other Books.

7 H. 6. 22. 34. An action speech at the Common law for forestalling, at it a 7 H. 6. 22. 35.

Dozt to Baven, his it is insist corpus comitains, and treastle by the Common law, and by softequents the Admiral bath no Intiliation there.

10 H. 6. 7. The Statute both restraine that he Admiral hall not hold pleas of 19 H 6. 7. and thing rising within any of the Counties of the Realm, but Executions he may make upon the Land. And therefore where it is laid in 22 all. pl. 93. that every 22 Ass. p. 93. water, which home and restous, is an arms of the sea, per it followeth not that the Admiral shall have jurisdiction there; instead it be out of every County, 63. Else such a place whereast the Country cannot rake knowledge, as it appearest in He fuch a place whereof the Country cannot talle knowledge, as it appeareth in the Book of 8 E. 2. before cites. But of this more hereafter.

Fortescut cap, \$2, fo. 38. Nam if you super than mare extra corpus co just bet Fortesc. cap 34. comiratus regni illius fiant que postmodom in placito coram Admiratio Anglize fo. 38. deducantur per testes, illa firsta legum Angliz Sanctiones terminari debent; -which proveth by express words that the Arrifoldion of the Admiral is confined to the high lea, which is not within any County of the Realm. 2 R. . 3 fo. 12. Hibernici fune fab Admirallo Angliz de refacts fuper stem 2 R. 3. 12. mare, which agreeth with the former, viz. that the Jurispinion of the Admiral is fuper alrum mare.

Stanford, lib. 1. pl. cor. fo. 51. b. If one he flaine upon any arms of the Sea, Smof. pl. cor. fo. inhere a man may bee the land of the one part and of the other, the Cozonet shall 51. b. friquite of this, and nor the Romatal, because the Country may take constants of inquire of this, and not the Admiral, because the Country may take constants of it, and both boiled the Law Anchoring of \$1.1. Whereupon he constants in these words. So this proveth, that he the Common this before the Scatture of 211.4.

Acc. the Admiral had no Auxiliation but upon the high sea, which energy authority mere sufficient to oversule all the said questions. For hereby appeareth, that the Lurisdiction of the Admiral is onely consisten by the Common law to the high sea, and agreeth with all the sommer Book cases and law of Partiament.

4 & 5 Ph. & Mar. Dier 159, b. By the Libell in the Admiral Court the entire 4 & 5 Ph. Mail is supposed to consistence for the Said with the supposed to consistence for the Said with the Admiral of the Admiral of the Admiral of the Said revers facts such in tall lock infra corpus comitants & since super assuments.

Withereby it also appearety that the Losd Montrals power is confined to the high fest at show

Palch. 28 Eliz, in the Kings Bench the cale was, that a Chenter-party by vin Palab. 28. Elis: innensed, was made at Therford in the County of Norfolk, between Evangelist Constantine of the one party and Hugh Gyane of the other part, by the which Constantine vit coverant with Gyane that a certain thip month that with Betchandizes and Goods of Hugh Gyane to Mattrel in Spaine, and there hour remain by certain pages, at. Then the deep of what Coverant Gyane Hours in

Time out of

minde.

Sixion of vebt of 3001. upon a plante in the lame Chapter, and alleogen the breach of the Covenanc, for that the ship vid not remain at Murrerell in Spaige by to many bayes as were limited by the Covenant. Wherever illustrates he are and tryen before Six Christopher Wray Chief Justice of Logland, and found for the Plaintiste : and in arrest of Iungement it was shewed, that this issue his rise out of a place totally and marry in a forein kingdom out of the Realm, from whence no Lucy of twelve men could come, and therefore the tryal was insufficient. But it was adjunced by Six Christopher Wray, Six Thomas Gawdy, and the whole Court of kings Bench astergreat beliberation, that the Plaintist should recover 5001, between his dammages and colle, for that the Chartery party whereupon the Action is brought was made at Therford within this arealm, substitute tryal being in the same place where the Action was brought was sufficient. the Common time and maining end

Mich. 30 & 31 Bijz coram Re-B.lq mortaneni

And the like cale was after adjudged in the same Court, Mich. 30, & 31 Eliz. in annation upon the cale upon an Affamplic grounden upon an inftrument called a Molicy, commonly mane between Werchants for allurance of their goods, where-by the Undertakens viv allume that fuch a Shin though faile from Melcome Regis in the County of Dorfer unta Abrile in France lately michaut biolence, &c. and peclared that the laid Ship in failing towards Abrile, that is to lay, in the Riber of Somne in the Mealm of France, was arrelted by the French Ming, at. whereupon illue was caken and tried, where the Action upon the Affamplic was brought, and again the ballotty of the trial newly questioned, and in the end telolbed and and again the datapies the transplant property, and in the contract and adjunged as before : which Lungement property, that where part of the Contract or other thing is made in any place within any of the Counties of the Realm, though the performance thereof be upon the high tea, the trial and petermination of the whole Ast belongeth to the Common law, and confequently the Court of the Admiralty aught not to deal there with.

These Answers were answered to King James, magna eli veritas & pex-

The Kings Row for the great prerogative and interest that the Bing of England hath in Prerogative of the leas of England, and for the antiquity of the Court of the Admiralty of England, and of the name of the Admiral, we have then an antieut and a notable Ke-The Antiqui- cood intituled, De superforitate maris Anglie & jure officii Admiralitatis in so.
ty of the Court dem. * So much whereof as we finde in Archivis Regis, we shall transcribe de of Admirate, verbo in verbum, as it is in the Record it lelflong before the reign of E.3. in whose dayes some have dreamed it began. In Archivis in Turri London.

This cause was Record it ap-

A vous Seigneurs Auditors Deputes per le Rois de Engliterre et de handled in or 2- France a redresser les damages faits as gents de lour Roialmes et des auters of E. I. as by di- terres subgits a lour seigneuries per mer et per terre en temps de pees et vers parts of the de tremes. Monstrent les procurours de Prelats et Nobles , et del Admirall de la mient à Engliterre et de Comminalties des Cities et des Vilpeareth.

Mariners, Messagiers, et pelerins et des touts

Sea of England.

Sea of England.

Seignurie du dit Royalme de d'Engliterre & des aultres terres subgits a la

Seignurie du dit Roy d'Engliterre & daillours sicome de la marine de

Catéloique, Estaigne, Alemaigne, Schand, Hoyland, Frise, Dennemarch, & Narmay & de plusours aultres, lieux del Empier, que come les rojs d'Engliserre per raifen du dit Royalme du temps dont il ny ad minde.

memoire du contrarie eusent este en paiceable possessionede la soveraigne
Seignurie de la mier d'Engliterre & des Isles isteants en geele per ordiLawes, Statutes, mance & establishment des lois, estatuts, & desenses et des vesand Ordinances. seaux autrement garnies que vesseaux de merchandise et de seure prendre et saune gardes doncr en tous cas que mestier serra et par ordinance

Time out of

a & 7 Ple aMei Dier 169

Rdion

entre tout manere des gents taunt dantre fignuret came de lour propre de

trous interes fuite neceffarieste la garde de per indretture et equitie per Mongues pusques et per fouveraigne garde es toute minère de constance es Fustice haute es busses les diets tois; estatues; votenances, et desenstep bet que sonts autres faitz queux a te povernment de foquernien Sergcharte appercant purvent as Tiens additions. Es A'Me B Admiral Me la De Botetore, dir meer deputer per le Roy d'Engliserie ser tous les autres admirals par Admiral of the Sea. mefine celuy Roy d'Englisterre et ces anceffors judes Royes d'Engliserre enfent Note for the an-The en paiseable possession de la dis souvernione garde ove la constance et tiquity of the Admiral offing.

Auflice et vants les autres appartenances avantaits sorprise en tale dap- land. The faid pele et le querete foit de l'ux a lour souversignes Roji à Engleterre de de- De Botterte sale de droit on de malvais judgement, de especialment pur emprebement was Adm ral of mottre en justice saire sente prendre de la pres de lour manere de gents upon Yamouth hanss armes en la dit miet on methans niefs metrement appareilles on in Norfolk(right carnies que nappertiem da nief de marchants et en touts autres points France) and of on quent homome post avoir reasonable taufe de Infection vert ent de that flation in robbery an des autres mesfacte. Et come le mustre de triefs du dit Anno 22 E. I. poffession de convitre ce pager des cours plats en da dite mier entre souts frames fumes.

Et come en le primer article de lalliance nadgaires faite entre les dites The leigue be-Rois en les traites sur le darreine pees de Paris foient comprises les paroles que the French

sensuient en une sedule annexe a yceste.

Primer ment il eft states et lacorde emte nous et les mellagers et les procarours de furdiz en mons de dies Russ que greux nois serrone lan a Your homme fauve Lefgiese de Rome en tiels manere que si ascun ou pludes Roys en Panetel co et leverses, priviledges es droits, es droitures, ou 289 18 h farmes " the "en 20 210 de vour rotalmes quils ferront bons & loyanx an vet undant on dunter route libmme que pueffe bentre et morir a defendre, gurdir et maimenir les francheses, ses liberties, les provitedges, les draits, les droitures, et les custumes de susdites, except le dit Roy d'Englierre, Margaret the Monsieur John Duc de Breban en Brabant et ses heires descendus de lui third daughter et de lui third daughte Roy de France Excellent Prince Dibert Roy & Atematigne fes heirs Roy Duke of Brabant d' Alemaigne, et Mounsieur Johan Counte de Henan en Henan, et que lan An.Dom. 1190. The period of the confidence of the state of 'Yade' emajoriace' tointe le jonal "en ha yorde" de 'metrice' tuti ance bet tiatrible par somehilf sout the ast May de Frank etter feat fine in the prife to has un "He destroyed the service of the ser celuy roy de France a ceo deputey en les Ports de fan dit rojathe come and Juy forfait et acquis fift amener per son juggement et agard, et la

o Idiachi

.besten!

Infilia de'Oly-

2: Seterore

eds to land the

prife et detenue des dites gents ove lour dites biens el marchandizes et fon dit juggement, et agard fur la forfaiture de caux et acqueft mit justifie devant vous leignieurs Auditors en escripts per my lautoritie de la dite commission sur l'Admiralte avantdite per lui ainsi usurpe et per une defense comunement fait per le Ray d' Englitere per my son poer selant la forme de le tiers article de lalliance avantdite qui contient les paroles desusecripts en requerant que de oco il en fusse quitz et absoluts en grand damage et prejudice du dite Roy d'Englitere et des Prelats et Nobles et aultres desusnomes. Purquey les dits procurours et les noms de lours ditz Seigniours a vous Seigniours Auditors avantditz pryent que deliverance dome es hastine des dites gents ovefque lour biens et marchandines ainsi prifes et detenues faicets eftre fait al Admiral du dit roy d'Englitere aqui la cognifance de cen appertient de drait sicome dessus eft dit ains quils fauns difturbance de fance appertain, vous et d'aultre puille de ceo conoiftre et faire ceo qui appertient a fon office avantdit. Et ge le dit Monsieur Reymer foit condempne et diffreint a faire du fatisfaction a touts les dits damages seavant come il purra suffire et en Sa defaite son dit seignior le Roy de France per que il estoit deputey al dit office, et que apres deme satisfaction faitz as dits damages le dit Monsieur Raymer soit si duement punis pur le blemissement de ladite alliance, que la punission deluy (oit as aultres example pur temps a venir.

I then I are sales and est estatement them in alio Rotulo annexo.

Item, a la fin que wenes et confideres les formes des proces et les letters ordences per les confailers le Aiel noftre foignior le Roy, &c. especialment a retenir et maintenir la souveraign que ses dits unceftors Roys d'Englitere leloyent avoir en la dite mier d'Englitere, quant al amendment declaration et interpretation des loix per enx faites a governer touts maneres des gents passants per la dit mier. Et primerement a son Admiral et as Maisters et Mariners des Niess de Cyne paris d'Englitere, et des autres terres annexes a la corane d'Engletere emendant a fa armee en la dite mier pur retenir et maintenir la garde des lois avantditt, et la punifism de tonts faitt al encontre en la mier Tufdete.

Jem in alio Rotulo de Articulis Super quibus Justitiaris Domini roll cried : Regis funt consulendi de Anno regna regis E. 3. 12.

Isem ad finem quod resumatur et continuatur ad subditorum prosecutionem forma procedendi quandam ordinata et inchoata per avum domini noftri regis et sius confiliam ad retinendum et confervandum antiquam superioritatem maris Anglia, et nos officis Admiralitaris in codem quad corrigendum, interpretandum, declarandum et confervandum leges et fratuta per ejus antecefferes Anglia Reges dudum ordinata ad confermandum pacem et justitiam inter omutigentes nationis enjuschunque per mare Anglie transentes, et ad cognodum fuper amnibus in contrarium attemptatis in codem, et ad puniendum delinquentes et damna passis satisfaciendum. Que quidem leges et featata par deminum Richardum quandam cedem Anglie in reditu suo a Terra sanita correffe fuerunt, interpretata et in in ula Ol eron publicata et nominata in Gali-offe it forfait et acquis fift amence per fon

The Admiral of England ro whom the cont

Admiral of England.

rend daughter

-yem erw I.dl

sed to lond the Dike of Brabant An, Dom. 1200.

St : 8 E. 1.

A Bon. Aver. E. g.

mer Grumbald Mafter of the

Dench Navy.

ionguic he

bis . i. d ash

Infula de Olyren in Gallia.

increment a hourd, et la

And long befote this ming Edgar in his Charter faith thus : Mibi conceffie See this Chare propitis Divinitas cum Anglorum imperio omnia regna infularum Oceani cum ter in the Epift. fuis ferociffimis regibus ufque Norwegiam ac maximam partem Hibernia cum Reports. fua nobilissima civitate de Dublina Anglorum regno subjugare, &c.

eme habe also found a Mecozo in 10 E. 3. in these worde.

Rex dilecto et fideli suo Galfrido de Say Admirallo Flota suz Navium ab Rot. Scotit, ore aque Thamesia versus partes occidentales, salutem. Cum nuper vobis o E.3. m 16. per literas nostras mandaverimus quod vos una cum quibusdam navibus de quinque portubus nostris quas de guerra pro obsequio nostro muniri et parari mandavimus supra mare proficisceremini ad obviand. et resistend. quibusdam galeis in diversis partibus exteris provisis et hominibus armatis munitis que ad partes dominii nostri ad gravand, nos et gentes nostras, vel ad partes Scotie in inimicorum nostrorum ibidem succursum divertere nt accepimus proponebant. Et quia jam nobis ab aliquibus est relatum quod galea bujusmodi usque ad numerum viginti & fex ad partes Britan. & Norman, noviter accesserunt et ibidem adbuc se tenent ad mala, at creditur, contra nos et noftros qua poterunt perpetrand, vel ad succurrend, dictis nofiris, ut pradicitur, inimicis. Nos advertentes quod progenitores nostri reges Anglia domini maris Anglicani circumquaque et etiam defenfores contra bostium invasiones ante hac tempora extiterunt, et plurimum nos taderet, fi honor noster regius in defensione huju modi nostris (quod absit) deperiat temparibus, aut in aliquo minuatur, cupient: [que bujusmodi periculis auxiliame domino obviare, ac salvationi ac defensioni regni & populum nostrorum providere, malitiamque hostium nostrorum refrenari : Vobis in fide et ligeancia quibus nobis astricti estis, et sicut de vobis specialiter considemus, man-damus strmiter injungendo, quod statim visis prasentibus et absque ulteriori dilatione naves portuum pradictorum, ac alias naves qua jam parata existunt supra mare teneatis, &c.

And because the Meader by this Becozd thall difcern, that of ancient time there were leveral Admirals (for the wisdome of those dayes would not trust one man with fo great a charge, noz any man to babe a certain effate in an office of to great truft :) I will briefly gibe the Meader luch light thereof as I babe found of Becozd.

Rex commifit Galfrido de Lucy maritimam Angliz custodiend' quamdin do- Rot. pat. anno mino Regi placuerit, &c.

Rex commist Richardo Aguillum marinam regis Norff, & Suff, &c. quamdiu Rot, Pat, anne

nobis placuerit. Petrus de Rival capitaneus Pictanie habet ad totam vitam fuam cuftodiam om- Ros Care, 17 He nium Portuum & totius coftera marina Anglia, excepto Portu de Dovor, qui est 3. in custodiæ Huberti de Burgo.

Willielmus de Leybourne constituitur capitaneus nautarum & marinariorum Rot. Vascout de regno & potestatis regis, quamdiu regi placuerit.

Willielmus de Leybourne Admirallus Angliz,

Willielmus de Leybourne capitaneus marineriorum, &c.

To let you know tohat we have observed in those times there were also then 25 E.z. m. 14 other, the one had the gobernment of all the flet from the mouth of the Thames Clauf. in Dorf. Melitoard, and the other from the mouth of the Thames Rozthiard.

Johannes Botetort cuftos Regis Portuum maritimorum verfus partes Boreales, a Parte Par-25 Martii.

Nicholaus Kyriell constituitur Admirallus flore omnium Naviumab ore aque I parce Pap Thamelis tam quinque Portuum, quam aliorum Portuum & locorum per cotte- 10 1.3. ram maris versus parces occidentales, quamdiu Regi placuerit. Teffe Rege apud Turrim London 8 Decembris.

12 E. 1.m. 8, Rec.Pat. 23 E. 1 a parte. Pat.ann.

25 E. I. m. 9.

Pat. 15 E. 2. T. 19 Maii.

Clauf. 15 E.z. Robertus de Leyborn Admirallus quarundam Naviu Regis lup mari occidentali. Rege apud Ebor: Robertus Battayli Admirallus flotæ Navium ab ore aquæ Thamesis de singulis
19 Maii.
20 Maii.

Johannes Perbrome constituitur capitaneus, & Admirallus flota Navium magn. Gernemuth, & omnium aliorum locorum ab ore aqua Thamelis per cofteram parte Pat. anmaris versus partes Boreales, quamdiu, &c. Teste Rege apud Stamf. 21 Aprilis.
Warrolius de Valloignes constituitur capitaneus & Admirallus slotæ Navium ab ore aquæ Thamefis tam quing; Portuum quam aliorum Portuum & locorum per costeram maris versus partes occidentales, quamdit, &c. ut supra. Petrus Bard, Admirallus Navium ab ore aqua Thamens verhis partes occiden-

2 parte Clauf. 12 E. 3. in dorf.

tales. 18 Augusti. Thomas de Drayton Admirallus ab ore aqua Thamelis versus parces Borcales. 18 Augusti.

And fo in the reigns of R.2. H.4. H.5. H.6. But in thefe and in former times there was a great Admiral of England, Vid. fupra pa. 142, 143, 144.

Rot. Pat. anno 18 E. 4.

The Bing did by Charter confftute John Holland Duke of Excrer and Henry 14 H 6, 25 Och. his fon to be Admirallos Anglia, Hiberniz, & Aquitaniz, protermino vita.

This Charter being of a judicial office and granted to two, we belo to be boid & for fuch antient affices muff be granted as they formerly babe ben. This Dube is be that is mentioned in the farmer Accords, who being a great Per of the Realm endeaboured to increach upon the Common law, but the subjects by

Rot. Parl.7 H.4 nu. 19,20, &c.26 & 142. 9 H. 4. nu, 19.

courfe of law were defended and recompensed.

The Wetchants, Pariners, and owners of thips undertwh the taleguard of the Seas for the Substitutes of Tunnage and Poundage, ac. and that Perchants Bould name two perfons, the one for the South part, the other for the Porth part; who by Commission found babe the like power as offer Komirals have providere, maltiamine befrinm nefronam refrenari :. small att midanot and

Addition of fome Records of Parliament

11 H. 4. na. 24. Rot. Par. 17 R. 2 48. 4 H.4.nu.47 11 H.4. nu. 6r.

All flatutes made concerning the Court of the Admiral hall be obterbed. Simbly towns of the their part prayen remedy against the Officers of admiralty for bolding plea of matters determinable by the Common law. which they pear may be reboked; the Bings antwer was, The Chancellor by the advice of the Julices upon hearing of the matter shall remit the matter to the Common law, and grant a prohibition.

7 R. 2. nu. 14.

The Garl of Northumberland Amiral of the Botth, and the Carl of Devon. Admiral of the Wet, to receive the Sublidy of Lunnage and Poundage, and to eans of the heap. baskofter

Addition of Books.

port Inftir, M 15

11 :

De the First part of the Institutes, Sect. 459. & Sect. 677, where Littleton Sed. 459. & 677. Where Littleton 18H, 4. fo. 11s (peaketh of a man out of the Mealm, og beyond Sea, and adde thereunto the notable cafe in Mich, 11 H.4. fo. 11 .pl. 85. Sovingles cafe, the Defendant in an appeal of death being outlawed, brought bis writ of Errez, andaffigned for erroz, that at the time of the Dutlaway, and befoze, be was in the Kings ferbice upon the Sea in the company of the Lozd Berkley then Admiral, and had a wait unto bim to certifie.

Lord Berkley Admiral. Ro. Par 23 E. t

a Parte. Patiann.

6 E. 2. Tit. Protection 46. 7 R. 2. Tit. Trefpaffe Statham. 10 H. 7. fol. 7. 2. Vide 18 H. 6: 99.52. where the owner of a fip thall anther for burt done by bis 25 1. 2. 03. 14. up, though be banet party thereunto. Vide Lacies cafe, Cr. 25. El. li. 2, fo. 93. Vidli,5, fo. 106, 107, & 108, Dir

2 Clauf in Dorf. .81 m

129 :19 1 Henry Confrables care. Lib. 6, fo. 47. Dowdales care. Brook tit. error 177. De certain fatutes, viz. 27 E. 3. cap. 13. Stat. Staple. 31 H.6. cap, 4, 2 R,3.

27 E. I. m. 9.

29 2000 1 64par6, 28 Harfigent. 16. The name: "It appeares by the former Records, that the Admirally is sometime called Admiralisas, Comerime Admirallacus, and femetime by other names, as Admirallus, Capitaneus oz Custos maris, oz Marina, oz Maritania, oz flora navium, that is, aurrado E

is, of the Paby floating on the Des. Ley marine, ley del mariners,

The Officer is called Admiral indifferently both in English and in French. bed of Amir, id eft, Præfectus, & Alas i. Manous, Præfectus marinus, Admiralius, Admirallus. Admiralli curia res maritimas tradat : In hac numerantur Ad- Cambden. mirallus Angliz, locum tenens & tudex, scribz duo, serviens Curiz Viceadmi-

Hada oz Hitha, i. Portus a Daten) an Dwan bithe, Lamb bithe, et. Hafne Courts, now Baven oz Port Courts, Hable, i. Portus.

To conclude, the Bing of Englands Raby doth erceil the Chipping of all other fozeign mings and finices v Toz if pon refpen bedietfull tratelinette og farely beauty, they are fo many large and spacious Bingly and Princely Palace . If you regard Grength and before, they are so many mobing impregnable salls, and Barbicans, and were termed of old the balls of the Realm? Tothen out English Pany is among the thips of other Partons, it is the Liens interpecora campi, and like a Falcon inter phaliands, perdices, & alia volatilia rimida med inter and interes fieb fige platting

or Belloes, no part of the world have fact within the gold part of the series of the s

CIVAL P. TXXIII.

er Floritannt of the Commission and grathe

and of the Statute of the Statute of the bear

cons, fignes of te. des 80Hi8 whe houles, and Sea marks, and concerning Watches.

His Court must be bolden Coram Admirallo Anglia, feu ejus locum te- The Commifnente, and 3. 02 4. Auchatha Ab tantit perfons; as fall be numo by fioners. culantur adventus legnied emitade ged gollesined deuliedt en L Their jurisdidiomis to bear and betermine all Ereafens, Melanies, Me The Jurifdiberies, Purders, and confederacies committed og done upon the Reacte and ad Elion. These offences shall be beard and determined according as the course of the To be heard Comman law, aphitheretogo Come of the Aungen with Beath wenteber in this & determined -dt ed pitch beres, as now they be, were intread of those flaces of woo set and

Concerning the mischief that was befoze the making of this sauce, and how mon law. the fait Mat hath been formerly expounded you may read plentiful matter duthe See the 3 part of Third part of the Institutes, Cap. Piracy.

Abe processe and proceedings beteinnes in the name of the hing a son before are, seen it Code Chivair se parint surther this authorist of floquage armograph of 51 & 61940211. taketh not away this Act of 29 1418 contobining creatures, those, these in all the Committions grant who eternition of this Antil 28 line cashe fair Sats nertil manimismoons raselum tentin alegistudibaldensa saltop. 6 A 2 18.14 36 10 speculatoria, or figna nauris, whereof Virgil 5. Ancies 39 noque anod .30 airol

Hie viridem Eneas frondenti ex ilice metam Constituit * fignum nautis pater, unde reverti Sciverit, & longos, ubi circumstastere curfus, &c.

De as poumar dibide Specula og figna forculacoria, et ligna nautis, into thick which over was done by the Kings Commiltion under the Cear Seal, as taking lome telv eramples for ment.

28 H. S. cap. 19

Sea marks.

ald ed infig.

De

C A P. XXIV.

Of Port-motes, alias Port courts, alias Port-mote Courts.

" See in the Chapt. of the Courts of the Foreft. a Hereof commeth in London Queenhithe, & in Lambith

Poztmote is a Court hept in Baben Lowns, og Bozts, and thereof ta heth bis name Curia Portus, &c. Portus eft locus in quo exportantur & importantur merces, à portandos And they are Porte regni the " gates of the Meslm. " Hicha and Heda often in Domesbap is taken, fog a Daben og Bogt, anciently weltten Hafne and now Paben, by changing the finte v, as is ulual.

Every Baben is within the body of the County, ac. whereof fe bifoze plentifull matter in the Chapter of the Court of the Momiralty proceeding according to

Lambhithe, &c. the Cibil lato. See 43 Eliz, cap. 15.

CAP. XXV.

The power and authority of Commissioners and others for the maintaining and erecting of Beacons, signes of the Sea, or Light-houses, and Sea-marks, and concerning Watches.

Seethe 3 part of the Inft. Cap. buildings, p. 204.

Beacon.

Eacon, this word is peribed of the Paron word Beacon, i. Speculum, unde speculantur adventus hostium; and is often called Signum speculatum; and Bechan in the Saxon language is fignum dare, and we use the weed to becken to at this day.

Before the reign of E. 3. there were but flacks of wood let upon high places. tobich were fired when the comming of enemies were descried, but in his reign pitch bores, as noto they be, were inftead of those fracks of woo fet up, and this property is a Beacon-

Light-houses, ve, idef, in cidum.

Sea marks.

* Id et infigminum.

Light-houtes, Ignes fpeculatorii, feu monitorii, feu lumen maritimum, feu * pharus, unde verfus,

Lumina noctivage tollit Pharus emula Lune,

Thefe Light-boules are properly to direct Dealaring men in the night toben they cannot fe marks, and thete are alfo Signa fpeculatoria.

Benininches as Deceples, Churchen, Calles, Tres, and fuch like for direction of Dea-faring men in the day time, and there are called Signa marina, or speculatoria, as signa nautis, tohereof Virgil 5. Encids.

Hic viridem Encas frondenti ex ilice metam

Constituit * fignum nautis pater, unde reverti Sciverit, & longos, ubi circumflectere curfus, &c.

Do as you may bibibe Specula oz figna fpeculatoria, oz figna nautis, into that

branches, viz. into Beacons, Light-boutes, and Dea-marks.
At the Common law none but the Ming only could ered any of these their, which ever was done by the Kings Commission under the Great Peal, as taking fome few examples for many.

De fignis super montes per ignem faciend with * mail enduring that mi

De fignis fuper montes faciend.

Rex affignavit a Henricum Episcopum Norwic, & Willelmum Comitem Suff. & alios, &c. (inter alia) ad ligna (peculatoria fuper montes in com. North. ponend. Et fimiles Commiffiones in a lus Comicanous.

Vide Rot. Clauf. & R. 2. m. 41 vin Dorf. pro vigiliis & ignibus speculatoriis, & Berfingham per 14 lencas

monitoris;

han De that is dell'rous to fir more of Beacons, ac. and warching of the time, let him read the Act of 5 H. 4. behish is an Act of Parliament, and Dorf. Par Anno 28 H. 6. parte 2, m. 21. in com. Kanc, & memb. 13, pro com. Norft. pro fignis, Anglice Beatons, & vigilis. Et Dorl. Pat. Anno i E. 4. parte 3. & But of latter times by the Letters Patents granted to the Logo Admiral be bath power to crea Beatons, Dea-marks, and Signs for the Dea, at.

15? the Act of & Eliz. it is probled and enanted, That the Mafter Wardens and Affiliants of the Tribity house of Debtford front As company of the chiefest and most expert Marters and Governors of thips) this hand may lawfully from fime to time at their will and pleasure, and at their costs, make, erect, and fes up fuch and formany Beacons, marks and tights for the Sea in the Sea. shoars, and upland neer the Sea-coalts, or forelands of the Sea only for Sea-marks, as to them thall feem most meer, whereby the dangers may be avoided, and thing the better come co their Ports. "And all fuch Beacons, marks and figns to by them to be crected, shall be continued, renewed and maintained from time to time at the colls and charges of the faid Mafter, Wastlerin and Affiliants. In excellent law that this power appauloging ions given to them booked had greated shills fixing they were works tor the later of the Kealm, and lateguard of the liber of Sociaring men, and that their works bout to exceed, and mode, and continued by them at their obsidents and epities, petalite they disting to go the neerell have.

"Become grain fightlicht maney die de physalis for the his meniaire de Mariane, and of the maney and of the watching of the fame. Where purificate they have been blick to the form. The constitution of the fame. Where purificate they have blick to the form where we constitute the factor of the fame.

in it is to be obferbeden that if the perfon disending the not able to pay the penalty therein unliged, he deal be denied combine a putlatore, into facto, tooll constructions and questions: the like whereof we bake not oblethed in any other flaute. Wardwice, allas warwice, or ward penny, to be fire from contribution of money to be the from contribution of money

wateres and warren. Manuferfied transcrived this proinceroit fine fol-perty which in the Councy of North but operated, and it is bery bable that the like bath but done by like Authories in order inserting probable that the like bath ben done by like Author ttem fict nown vigill, in bundred, de Holt apud Waborna protuncas

Ordinate pro Vigil. Observand in Com prædiet, a Lynne med Bac ig ing authoriste mandate nes Robert de Mons alto et Thomas de Bardolfe mandamus He. North qued Bewies facial organ nois and North de Mercurit in fest decollationis Sandi Fohamus Baptist prac facial organ nois and North one die Mercurit in fest decollationis Sandi Fohamus Baptist prac facial organ nois and practice organ nois and processor of the contract of the con wie, die Mercuris in fest. decolationis Sancis Fohannis Baptist pras sur ompes milites, omnes capit. Constabul bundred, et Canstabul wilk, et duot homines de descretter, cusulabet vilke uhi portus vel applicat. Navisum in balliva sua tam tetra libertat, quam extra in Com, pradict, ed consolend, formana, applicately qualiter et quomode diet, colled lecarius pro lavatione partium illarum serventilit, et adjactena, quae ex parta Domini Regis super prepulsis impungitur. La gorn alem nos dist. Constat. Income personaliter accolstones inidom. A multi capit. Constabul, bundred. Constabul, will, cum omnibus bominibus vill, ubi applicat. Navium occistate. Portu Lynne et de Portu Larmonite caraw notas stadem compar, et alla-

Rot Scotial Ror.Clauf. Vafe 10 E. 30 Rot France 47 E.3. m. 20. a Henricum Spenoers he of a Souldier became a Bifhop. comes Suff. & Roc. Par. 5 H. nu. 24. not in print worthy to 2 Eliz cap. 13.

Parch r Jac, It was refoly the two Ch Juftices, Amurny nd Sollicitor, that this Act o tended as Light-houfes in the night, as to Beacons, &c. by

Cenvist of Outlawry.

Marcherenios.

dosell at

Norfaring 3

Robertus de Mon te alto & Tho. de Bardelfe fat in Parliament. of the Realm appeareth in the Parliament

Wemlleco

Southerpingham Mi ford.

> Tunfferd. Fin ablevard. l'owrehoe.

Rogescath. Wa ches ib be bet Kolymania Sca-coaft Byahe number of shel people, in the places, iand into msolen Berstelm Sommitte ybdoses wont tookitid a BreebrigeeW Clapkoblemes c Rot. Par 5 F. 4 BL. TA. QUE IN print worthy to be read. g Elia. cap.

Southgrenhoe. Laundiche, 1 the two Chief Julices, A tont ny and Sollicitor Gallew behan Light-houses in Biothereroffe.

Smythdon.

Northgrenhoz. Weyland vne O Gilteroffette O Grimmoe, Erfham.

the day.

Holt.

Eynsford, to 1 Hemfleed.

Robertus de Mon ce alto & The, de Bardofe lacin Parliament. or the Resimen's

appeareth in the Parliament,

Southerping ham Mi ford.

Tupftead. Humbleyard. Fowrehoe.

in locis periculosis sicut * antiquo more fieri solebant juxta mare. Et quod omnes bomines corpor valid, de Com. Norf, contribuend, ad illi faciend, per guod ordinat et consens, corum concordat, est quod dua vigill, per sex homines de corpore potenti tam per dies quam per noctes fiers in hundred, de Freebrigge, viz. apud Wolverton, et apud Clencherne, eo quod diff bandred. jung. se mari à Wisbishe usque Berfingham per 14 leucas. Et quod quitiber migdant capier pen diem et per notem pro vullik fuis 3 d. Et qued hundred de Clackelofe udjung eidem hundred de Freebrigge ud contribuend. Ma vigitt. illa faciend. viz. pro qualibet feptiman. 45. 6 d. et idem handred de Freibrigge 6's, pro septimen. Et seiend est 77 vill. continentur in ditt, hundrede que assignantur ad ditt vigill. faciend

Frat etium una vigill apud Southlynne in Clinchern, &c. DE 30

Item qued una wigill, fiet in bundred, de Smithden apud Thornham per fex homines, eo quod dictum hundred jungit fe mari de Derfingham nfq; Deepedal fenn per 12 lencas. Et quod hundred de Southgrenhoë et Laundiche adjung eidem handred, de Smithdon ad contribuend, ad vigill, il. faciend. Viz. hundred. de Southgrenhoe 3 s. 6 d. per septiman, et hundred. de Landiche 4 s. per septiman. et hundred. de Smithden 3 s. et continent. in dict hundred 79 will ad vigill allafactend nor bounts os of that both ses

Et flat qua vigill, in bundred, de Gallowe apad Burnham per 4 homines, ser qual dict ibunded genets se mars de Despedile usque Holkham per leucas de bundent de Brothererosse adjuncts, eidem bund ad contribuent de Copill ill satiend. Li bundred de Beathererosse 3 s. per septim. et idem burdeed, de Gallore 4 s. per septim. Et lisend, est 45 will, sant in dictabundred, ad ungell shortassending salab sant als contributions.

tion het un. vigil n'in hundred de Northerenboe apud Holkham per G devraines of en spaod diet, baside ed janeir se mari, à Holkhim asque plunte divoir & seucha, Es hundred le regland Giscrosse. Grimfios. E Ermino dis une escalar hundred da consubilent de vierr illa faciend viz. Per febina d' l'opi septim. Grimshoe 2 s. per septim. Gisterosse 2 s. per septim. hen & 5. Ben Certonada Et sciend. Aft qued 76 mile sunt in client handeed.

Item fiet unum vigill, in hundred, de Holt apud Wahornn per few homines, eo quod dist, hundred, jungit se mari a Marston usque Sheringham per teucas. El minared de Eynsford et Hensysteld adjung eidem
hundred de Holt ad contribuend all vigit. Paciend viz. Eynsford A s.
per septid. Hempseed 3. 84 by septim et idem Hundred de Holt
3. of Period Stein Stein Stein Stein in diet Bundred ad vicit.
He period singularity singularity stein stein singularity at vicit.

them get whom wig it. In then deta de Mortberping Ban in anobas locis, Viz. sem set enum virent in thendred. Le Northerptandan in duebus locis, vir. apid R enten de Triuming ham per homines, es guod diet hundred, jung se mart a Mering sidm usque Aunistibete per accem leucas, et hundred, de Southerpting ham et stational cum vill, intro tibert, adjung eidem hundred, de Vindelle itta sacretum, vir southerpting ham d's Eu per lest Adjung eidem hundred. Et de se leve Et levend, est quod re vill sur la bundred, prad ad virgill, ill satisfied.

Item set unum unité, prad ad virgill, ill satisfied.

Item set unum unité, in hundred, all langue d'apid apud Basevick per sex hundres, or quo d'alt, hundred langue le mari a diamilera usque malche per a tedeus. Et hundred us l'amblegas de l'ambles adjung, tidem bundred.

dred

dred, ad contribuend, ad vigil, ill, faciend', viz. Humbleyard 3 s. per fept. Fowrehowe 3 s. per fep. & Tunftead 4 s. 6 d. per fept. et sciend. eft quod 76.

vill. funt in diet. Hund. ad vigil, ill. faciend.

Item fiet unum vigil, in hundred, de Happing in duobus locis, VIZ, apud Happing. Happisborow per A homines et apud Wallutham per 4 homines, co quod diet. bund. jungit se mari a Walcote usque Wimbesdele in loco periculoso per 6. lucas. Et hundred, de Taverbam, Depmade, Sbropham et Diffe adjung, eidem hund. de Happing ad contribuend, ad vigit, ill, faciend, viz, bund, de Taverham 2 s. per sept. Depewade 3 s. per sept. Shropham 5 s. per septim. et Diffe 2 s. per fept, et diot. hund. de Happing 2 s. per fept. Et sciend, est quod 60. vill. funt in hund. pradict. ad vigil, ill, faciend.

Item fiat unum vigil in hund. de Eastslegge et Westslegge in tribus locis, viz. Eastslegge. apud winterton per 6 homines, apud Saltivos haven per fex homines, et apud Wefffiege. Fordham per fex homines, eo quod diet, hund, jungit fe mari a Wykeldock uf- Walfham. que Bunto in Mitford in loco periculoso per 7 leucas, Et hund, de walsham, Blowfield. Blowfield, Loddon, et Clavering adjung, eidem gund, ad contribuend, ad vigil. Clavering. illa faciend, viz. Walfham 4 s. 6 d. per sept. Blowfield 4 s. 6 d. per sept. Loddon 5 s. 6 d. per sept. Clavering 5 s. 6 d. per sept, Weststegge 2 s. per Jept. East flegge 2 s. per fept. Et sciendum est qued 102 vill sunt in diet, bund.

ad vigil, ill. faciend.

Pracept est omnibus capital. Constabul, de hund, adjung, mari in locis pradict in forma pradicta hac inftant die dominica prox, futur, et similiter pracept. est cisdem capital. Constabul. et omnibus aliis subconstabul. hundred. totius Com. quod fine dilatione levari et reparari fac, signa et fierbares super Signa. mont. altior, in quolibet hund. Ita quod tota patria per illa signa quotiescun-Fierbaret. que necesse fuit premuniri posset, et quod ipse Constabul, capital, per avizam Constabul, villarum et alsorum proborum hominum agist, fac. fideliter denar. pro vad. vigil, in hundred, pradict, instant, quod ordinat. solvend, de septimana in septim, it a quod defect. in vigil. pradict, nullo modo inveniatur per corum defelt, et similiter quod omnes qui agift, funt ad arma et potent, ad portanda arma, et omnes illi qui loco potent. ad arma Jua portanda assignat, fint providi et parati fint indies nocte ad veniend, solemniter distinct, et aperte in pra-Sent. Domini Walteri de Norwic. Episcopi ajuxts nos assiden, ibidem cur. " Ca- "Vigiliarium. car. totius Com. Norf. coram nobis un. fecinous proclamar. Et similiter pracept.
est vic. quod levar, fac. denar. agist. in hundred, pradict. pro costis et vad. prad folvend.

For watches, and against night-walkers, fee the fatute of Winch, 13 E. 1.

cap. 4. 5 E. 3. cap. 14. Vid. 5 H. 7.5.

Vide Lambiinter leges Edovardi regis, fol. 1 36. b. & inter leges Willielmi Rea

Quod homines de Larkfield, Filbarow freet, Newchurch, & Worth in Com' Dorf.Clauf. Canc' tenentur facere vigilias in Romney Marth,

ele section tranget atereusco to the same of the uppers planeter. To treet consequence applicate on a contract of the con botter there a merget birn for on Rount or a coar. Mosel's laft of

ngilong soften aft ar inclusionity good an method of the correct of the correct of the correct of mained of cores comes blaced rore, the Orecen figure a broate let the green to from este fit telle, et En fort 1614 he toth a Carti of the Spaniards et 168 fa-

e soe de la constante de la co errob their goods. The of Odobs 1873, its king a England

CAP. XXVI:

De Conservatore seu custode Treugarum, i. Induciarum & Salvorum Regis Conductuum,

And incidently of the office, authority and priviledge of Ambassadors; and of Leagues, Treaties, and Truces.

2 H.g.c.6.ftat.1.

p the Catute of 2 H. 5. robbery, spoiling, breaking of Aruces, and fafe Conducts by any of the mings liege people and Subjects within England, Ireland, and Wales, or upon the main fea, was adjudged and determined to be Digh Arcason: but this Branch concerning Bigh Arcason is repealed by the fratute of 20 H. 6. But by the faid Act of 2 H. 5. for the better observation of truces and lafe conducts, Confervator induciarum & falvorum regis conductuum was raised, and appointed in every Part of the sea by Letters Patents : Dis office was to enquire of all offences bone against the bings truces and fale conducts upon the main fea (out of the Counties, and out of the Liberties of the Cinqueports) as Admirals, of cultome, were wont.

20 H.6.cap.11.

It concerneth the Anxilaiction of vivers Courts, and especially of the fair Court before mentioned upon the fair Catute of 28 H. 8. and of the Court of the Admiraite, to know the rights of Leagues and Amballadozs, as far as the laws of Eng-

land extend unto; foz of them we will only treat.

19 E.4 6.b. 18 H. cap. 4. 20 H 6 cap. 1. * Regula.

All Leagues of lafe conducts are, of ought to be of record, that is, they ought to be incolled in the Chancery to the end the tubied may know, who be in amity with the king, and who be not : who be enemies, and can have no action here : and Vide supr.p. 132: who in league, and may have Actions personall here. * In all treaties, the nower of the one party and the other ought to be equall.

19 E. 4.ubi fupr. See the third part of the Inflit, cap. Treason. Verb. League. 2 H. 5.cap.6. Hil 14 Eliz.

A league may be broken by leabying of war, or by Ambailabor or Deraid.
Bryan beld apinion in 198.4. ubi supra, that if all the subjects of England mould make war with a wing in League with the wing of England without the affent of the Bing of England, that fuch a war was no breach of the league. See the Matute of 2 H. 5. cap. 6. in the Pzeamble.

In the Buke of Norf, cafe Hil. 14. Eliz, the quettion was whether the Lozd Herife and other subjects of the Bing of Scots, that without his aftent had mallen and burnt vivers Towns in England, and proclaimed enemies, were enemies in lam within the flatute of 25 E. 3. the league being between the King and the Scot:

and refolbed that they were enemies.

And in the Bifton of Rolles cale, An. 13. Eliz. the queftion being, An legarus, qui rebellionem contra principem ad quem legatus concitat, legati privilegiis gaudeat. & non ut hostis poenis subjacear. And it was resolved that he had lost the

priviledge of an Ambaffavoz, and was fubjed to punifpment.

Samuel Palache affirming himfelf to be the Subject and Ambastabour of Mula Sedan Bing of Morrocco to the States of the united Provinces, to treat and negotiate with them of divers matters between them; and they of the united Provinces having accepted bim for an Agent of Legat. And the last of June 1611, there being enmity betweeen the ming of Morocco and the ming of Spain, the Bing of Morocco made a Commission to the fair Samuel to take Spaniards and their goods. The 25 of Odober 1613. the Ming of England gave bim Letters of late conduct as a publick Pinister fent to the States of the united Provinces. 3 Martii 1613, the States licented him to leavie men to furnift his fips, oc. In June 1614 be took a Carbell of the Spaniards at the Ca-

Hil, 12 Jac.

Hil. 13 Eliz.

Carvel or Caravel, is a fwift Bark.

maries taven with Dugar, and another hip there allo laben with Hives, of the groups of Spannards; and after, with different of winde, he with the fair Prizes was driven to Plimonth, there being at that time league both between England and Spain pand between England and the united Provinces, are mars between Spain and the united Provinces. And against this Samuel the Dyanish Ambattadour here in England complitined at the Councel Lable, and charged him with Pirary. The late Samuel and his company being arrefed, and the groups leifed, the Dyanish Ambattadour proved that he might proceed against him as a Pirars upon the late Statute of 20 H. S. cap. 35. The Logos of the Councell referred the Confldered in the Councell referred the Confldered in the Councel was a first at the Eable, and to the Councel was a late to Confldered to the Councel learned of Judice of England being prefer at the Eable, and the Confldered to the Councel learned both in the Common and Civil labors, on both lives on the Councel learned both in the Common and Civil labors, on both lives on the leveral papes in this Terms : and after conference between themselves, and with others, these points were rated received of the Spannard Laters of received of the Spannard Councel Laters of received of the Spannard in Spannard for the Sambattana bimbetting without Laters of received of the Spannard for the Sambattana bimbetting his direction.

Jung: Oratores aderant ex urbe Latina.

Jamq; Oratores aderant ex urbe Latina

And afterivates they have called Legati à legando. Nuntil à nuntiando, and afterivates Ambaffiacores of Embaffiocories, and formitimes Agents : for Omnis legatus est agens, but Omnis agent is not legatus : Far if he he font from a filing probleme de des pour le des des pour le des des pour le des des problemes de pour de la propie de la prop

A land to be someth be fafe and face in every pl ballacours of our ener en ber do ne ula

be betainen egaffenbeb there, abbeiten tepatteb) in b en ming it. 8, und the Frend It. Poir a nebell and Es being amity better ope. . R. Pole a and the Pope. A Re Pole is market and Leaving to extend the French Beath to Rome a middle which the Branch Beath of England homewant to be been a line at the Branch of England homewant to be been been a first beath of the beat Authoffstour to him so the step of long and atmembre of more rating. An admirability he long feature dimbells bout, hed non prevalue. An intrucip fain, inhelester tale it, Quis veritand quocunque dicteur à Deo et, femper enum apud Gentiles (appendiam venebant vere fidei randoen) invibile nomen Nuteu & Legati, stimuli shipalisme maneremus femper faivi, de diz apud Savacenous Turess, à quibefonne passe à discours legationes & tale comme lilis ad ques deferantes moledades for & injuriole. But if a la limballabour being Proves committeth best any actine, labich is contra justimationes fundallabour being Proves committeth best any actine, labich is contra justimations. Imballatour being Prorex committeth bert any active time, as Arealon, Felone, Anilety, or any active time, as Arealon, Felone, Anilety, or any attention of Artions, be losed the privilence and nightly of as they of so binds a place, and may be finished bere as one to the grade interpretation by the committee to bis Sovernighe but of courtest be grade interpretation, be must not be the active as the bitton by any As of Parliament, private hab of Custon by most main in the jury gentium, has sooten jury gentium being bere shallout be bound by any of them a but otherwise either hunghouse. atome of this Realistians, an Amballa e it is of th cither hingdome, at.

Pafelte & 6 Biza Henry de Vale and other French men importes divers manu. Pafelt. 36 in factures as Clothen Liffuey Camies, Points, et alberruppe, Tominion and Scace.

Virgit, Legatives

Hand placiture

L. f. F.de Lega.v In aut' de fan-chiff fect, Rerum Col. 9.

" See the third part of the Infl Treason, verb. uit Tempore H.

> . . - Carried Mary

other good Derchaum of Lo odon exhibited wivers informations upon the flatute of 49 H-7. csp. 21.

18 49 H-7. csp. 21.

18 49 H-7. csp. 21.

18 20 H-7. csp. 21.

20 H-7. csp. 21.

20 H-7. csp. 21.

21 H-7. csp. 21.

22 H-7. csp. 21.

23 H-7. csp. 21.

24 H-7. csp. 21.

25 H-7. csp. 21.

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26 H-7. csp. 21.

27 Leading of Spain and the State of State of State of Spain and the State of State of State of Spain and the State of State of State of Spain and the State of State of State of Spain and the Spa

ting of Morocco be could not be invites an approas before Co no cannor be a felon for takin flature of 28 H. 8. Because that one one

Trin. D. Jac co TATE AT BO

2 R.3. fo. 2.

STATE STATE STATE almount all

Irein a a Bartis. Al radio any mes slovels mix decid bruing Branch Branch

Latt de Lege. net shi swami myself for mit, Wide thinks

dali especial day della I 1 H. 6. Cap. 4 7 E.4.fo. 14. 13 E.4.9. 22 E. 3.16,17. Regift. 129. F.N.B.114.

Prohibition. Nota.

Lib. 5.fo. 106.

the fair flature of 28 H. 8. Because that one encime cannot be a felon so; taking of the groups of another encurp. And the more of the suic Ac be; [Chat the Commissioners by socce of the tain Ac shall proceed, as if the offence has been committed upon the land, and according to the course of the Common label.]

See 2 R. 3. by all the Audices, that this is noticione, which case is in his parts remembers betreaster. For it is been observable what the law of England is in that rafe. At was holden by some of the Civilians, that sheet the Spaniard could not proceed against him criminalizer, upon the said Act of 28 H. 8. yet the goods being in solo amics, that is, in the foliof the King of England, who was in league with both, that the Spaniard might proceed against Palache, civilizer in the Admital Court: but that was resolved unthe contrary by Ropham Chiefe Austice. Juffice, and the bodole Court of the kings Bench, Trin, 2 Just to be against the into of England in that cases where the sale took edge, That where the Bing of England was in league with the King of Spain, and with these Holland, is, and there has earnity between the King of Spain, and with the folland, or and was Holland man in the big fee, an operio per lie wish the groups of a fielder of Spain, and house the big fee, an operio per lie wish the groups of a fielder of Spain, and house the them into Eugland, infra sorpis domicies, and for that the groups were in solo amici, the Spainard whole groups were taken sheller for them civilizer in the Admicial Courts of the arrestolder by the whale Court of the divings Bench upon conference and petitientions that the Spainard has lust the property of the groups by ever, and has no rememp forebennin England. And respectively and the groups were, and has no rememp forebennin England. And respectively by that hook, he that will include these relitations of groups of the grant authority to be particularly upon the Boak in 2 R.3 abbs super being of the great authority in law to groups thus that the things is suffer than the Governing of the Court of the that took the groups has at the time of the Court of the that took the groups has at the time of the Court of the Court of the the Court of the cou Inflice, and the whole Court of the kings Bench, Trine Jac to be agamit the and white had matter. And so, that there was ensety between the King of Spain and choice of Holland, therefore it could not be depredation, but a landful taking. It was also related to the Court of the Range Benedy that the goods to then being with in this Realit, asserting corpus admiracial, in fold and, that if the Spaniard for for them to the Court of the Countries of Countries

in Altropania initis

Bore the Third pare of the toftirates cap Treston : what offenet it hath been, aut what it is at this day to hill a togrein Amballebour : and the there 3 R. b.

debolimperiale rate: Amballahour of Genos of Atappeareth in the Bole Lifto. 1 Chaseache Frank in the field Book of the Edzonicles, that injury and utigrates offered to him Davide Ambaliabours indied he fent to Himon bing of the Mosbues, Adsonicles of fupra mortem patrix for grandem enem continued in full inventor. Best about a full rank of innerning David against the Mosbues, and has felicially revenues, as by the Boly Billory it appearets.

More he four hinter of Leagues et, Feedes pecis, and theta Christian Prince Rom. 12. 12.
man in he inite at Infinel. Sefere possis, quod ex vobis est, and omnibus hominibus apparam habertis - 2. Feedus congranulations sive confolations. And
sodom.
this map a Christian Prince make with an Infinel, as David his inite Hason whi
supra. 3. Feedus commutations mercum tive commercis. And this also map be many with an Infinel, as Ding Solomos his trith Hirars an Autor, and Josus Josus cap, an Infinel, as Ding Solomos his trith Hirars an Autor, and Josus Josus cap, an Infinel of an Ivalater. Jehosopher Bing of Juds, make fredux mutui angilis a Chron, 18, mith Achabi ming of Isael, an Ivalater a For schab fait on Irhosophata Keni Jeremy 15, a mesum in Ramorth Gilead. Guinte responder, the cook to, de secure opposites the second faith of schab man state, and accept the second faith, and accept the second faith and second faith, and accept the second faith and second fa John phac mas in extreme danger. And after, as the Lers faith, Reversus ett entem Jehosophat ren Juda in damum suam pentice in Jerusalem, eni occurrir. Jehu cilius Hanni, & ais ed illum, Impio prabes suxillum, & hin qui oderunt Dominum ametica jungerie, & idei reo irum quidam Domini merebaris. And the laws of England concerning thefe four leagues are as you necestive prounded upon the law of Goden W

But bere anieth a queltion, that leeing feedus pacis, or feedus commercismay be Arichen betwesn's Christian Mrince and an Infidel, Bagan, and Ibolater, and those leagues are to be etrablished by parts, tobether the Auftorl or Bagan Prince thole leagues are to be ettablished by path, whether the Austoria Degan Pelate map image in that cale by falle gons, feeing be thereby offended the true God by giving viving divine morthly to falle gons. This very noute to as moved by Publicula Aug. Boil. 17, to G. Augustine, who relatively the lame thus a be that taketh the credit of him that there has alle gons not to any evil but good, be both not joyn bimfelf to that kinne of imearing by Menils 3 but is partaker with those lathfull leagues wherein the other knepath his fateband outh. But if a Christian hourd any way induce another to imear by them, became be undo getovoid sinue. And lexing the leagues in these sales are loverenced by the word of God, be per praxin fanctorian faced leagues, all incidents there are permitted that per praxin fanctorian the pentice of lock many lengthere, may oftentines be colleged byth sum interpret the Commandements in it are to be understood, and prexis fanctorian appearstly praceptorium, before

before an employed that the constitution of th Register de falvo conductu, and the statutes of 1, H, S. 18 H, S. and as high Registers, which all incident allegements from the statut of the

Catota C

Ste the Lanieles before es

Gen. 14, 13,45. Abrah. cum rege

3 Kings 5.1, &c. Jeremy 15. 4 See 1 Mac. 8. 19, 20. & eap. 10. & ca.so.31, &c The Prophet of God, TAR

2.02.12

ior maril es

.1 488

35361 38

Rot. ParlegH. 6. nu. 12. and lop See li.z. Cale cale, De Rege

Rot. Plat H. 4 nuestations called, year may

read in blat. 1245. 0. 886.

Carolum

31 H. 8.

See thefe Articles before in bac verba, Cap. Chancery, Ar-sic 1, 3!

Sodem.

le dan salel 102 , 117 mil 4 4 R. delicar. A 15 M.

Certain and

is continued to राज्यात्र इत्याह इत्याहर

esid Spiles OL 940 01 . 44

Carolinal Wolfey was charged with thele notable high and grievous offences (amongst others) viz. that he being the things Ambastada; in France made a treaty with the French thing for the Pope, the thing not knowing any part there-of nor named in the same, and binding the French thing to abide his order and among, if any controverse or boubt should arise between the fair Pope, and the said

French Bing.

Allo that the fair Lozo Cardinal being the bings Amballator in France, fent a Commission to Dir Gregory de Cassalis under the Great Beat in the Aings name to conclube a treaty of amicy with the Duke of Ferrare without the Bings commandement of marrant, nor the Rings advertises nor made prior to the

Also the sain Lozo Carainal taking upon him otherwise than a true Prive Counsellor ought to no, have usen to have all Ambassabors to come first to him alone, and to hear their charges and intents, et.

And the face Lord Carbinal ules many years together not enely to write to all Lings Ambassabays in sozaine parts with other Princes in his oton name all errifements concerning the Aings assairs being in their charge, and in the ame letters wrote many things of his own mind without the kings pleafure known, concealing vivers things which has been necessary for them to but alls causes them to write their appertisements to bim, and of the same ters be used to conceal, for the compatting of his purpole, many things both m the Rings Countel and the Bing bimlelf.

The difference between a League and a Lruce is , that a Truce is a cellation

part 1.

See the truce from marre for a certain time: a League is an absolute aribing of peace.

at large, Lib.

Par, fo. 5.

cias cum Francorum Rege per mediationem Romani Pontificis, copias suas belacticas demum reduxit, postea deprehendens prasat regem Franc' hostilia contra ipfum moliri, & nuntios prafati Pontificis fimulata pace diffidium fovere, pramilla omnia per Literas Patentes exponenda duxir, & bellum cum prefato rege refumfit.

. A League and alliance was made between ming H. J. bis beirs and fucceftors, and Sigilmond Ring of the Romans his beirs and lucteflers Rings of the Romans, and bear confirmed by Ad of Parliament. The infirmment whereof is very long, but not to long as effectual and worthy of observation.

It is into in 9 E. 4, that League made between two hings (bothour naming of incestors) both not extend to successors, although by our law Rex non inter-

Bullice Afbron is of opinion, that no Amballanoz ought to be fent to the Po but there may be many prelibents to the contrary, for belives his spiritual juria-olation be is a Cemporal Prince, whereof fee a prelibent among many others. Ros. Pac. 35 B. 3. parte 2, memb. 24. and likewise the Pope sent Ambusiavors into England, who were tworn not to attempt any thing prejudicial to the Thing of

Decre of Division Landon Doctor of Division that the may give tome take of every hind: In times past the hing of Bolland four Amballators to general Councils, as taking one example of that councils and decreased at his councils and the second of the seco

a so todgoril sit T A Truce. Rot. Franc' 19 E.3.m. 10.

d 9 8. 4. 2. 2. 39 H. 6. 39. Rot. Par. 35 E. 5.pc. 2.m. 14 Clauf. 10 H. 4.

m. 15. marries papa. tot, Clauf. repartor, Clauf. 4 H 3, m, 1. Bot. Clauf. Ropar. 17 R.3

Rot. Franc. Rot.pat. 1 1 H. 6. 1 1 patr. m. 6. Robert Gilbert

octor of Divis

Carolum adversarium nostrum de Francia, ac etiam tractandi, communicandi, & appunctuandi, consentiendi insuper, & si opus fuerit, diffentiendi hiis que juxta deliberationem dicti concilii inibi statui, & ordinari contingerir. Promittentes & promittimus bona fide nos ratum, gratum, & firmum perpetuo habiturum totum & quicquid per dictos Ambaffiatores, Oratores, & Procutores nostros, aut majorem partem eorundem achum, factum, feu geltum fuerit in præmiflis, & in fingulis præmifforum, & hoc idem cum de & fuper ils certiorati fuerimus quantum ad nos & Christianum principem attinet, executioni debitæ curabimus demandar. In cu jus rei testimonium has literas nostras fieri fecimus patentes. Dat' sub magni figilli nostri testimonio in Palatio nostro Westm. 10 die Julii.

Touncell also I find that Henry Beauford (son of John of Gaunt by Katharin m. 10 & Talk Swinford) Bifbon of Winchefter and Carbinall of S. Eufeby adozettes himfelt and anno 12 part: 2. had licente to transport and carry with him 20000 l. of gold and filver (mute but m. 13. mobing Ambaffabozs) nothoithftanding the flatutes of 9 E. 3. cap. 1. and 5 R. 2. 9 E. 3.ca. 16 cap. 2, &c. Foz the form of a fafe conduct (which is called de falvo conducto) fee Safe conduct. the Megiller. And for the effect and validity thereof, fee the Matutes of 15 H.6.c.3. Reg.f.25,26.

18 H. 6. cap. 4. 20 H. 6. cap. 1.

Recordum & process' contra Petrum de Rival Thesaurarium & Camerarium Aano 18 H.3. totius Angliz & Hiberniz, & custod omnium Forestarum & omnium Portuum maris, &c. de compoto regi reddito de officiis prædictis & de judicio contra ipfum reddito per defaltum, quia venire recufavit, nifi falvo regis conductu, quod rex denegavit quali infolitum & indebitum.

amhat remards Legats have had in former times you may read Rot. Liberar. 11 H. 3. m. 13. Rot, Clauf. 11 H. 3. m. 11. in Dorf. Rot, Liberat. 3 E. I. m. 9.

Bodem Rot, I E. 1. m. 2. Rot. Alman, II E. 3. per totum Rotulum.

Dee Beda in his Difftozp of England, Lib. I. cap. 11. hereafter Cap. 75. Of Scotland in fine, the danger of untoile and incerain Leagues.

Omnibe a facility of the control of

busit to proceed a good of the process of the proce

an PN D and fell concordium, quarrer Affilian "And after the theute of W. c. was mane, the Reider. only the Reider. only the Reider.

were bus & idnelis, cinic at Ainis, &c. ad plus ter per moon.

* Dominus Res. Re. precept. qued de cerce en menur de indiciari sire

Vis. Free confecti & dikreci ad Allias, for a Acembra especial per converguen

e Rossis E. Angles, viz. and rec. ad Allilas, Just. & ceruficat espend, per construction Rec. O with Angles, viz. and butter for Mens. O with the Angles, viz. and butter for Mens. O with the Angles of the Mens. Of the Angles o

CAP. XXVII.

The Court of the Justices of Assize, and Nift Prins.

De the weit of Allize, whereof the Inflices take their name ; in all ancient Authors, it is callet Affifa nova diffeifina, og Petit brief de novel diffeilin. Df which weit Bracton faith : Recognitio Affife nove diffeifing multis vigiliis excogitata & inventa fuit recuperanda possessionis gratia, ut per fummariam cognitionem absque magna juris solennicate, quasi per compendium, negotium terminetur. And the mitroz faith, that for expedition of futice, and outling of delapes, it was ordained by Ranulph de Glanvill; but I find the writ

moze ancient, as it appeareth in 26 Aff. pl. 24.

At the Common law Affiges were not taken but either in * Bank, og befoze Justices in Gire, and this was a great belay to the Plantiffe, and a great moleftation and veration of the recognitors of the Affize. For remedy whereof, it * F.N.B. 177.R. is enaced by the fatute of Magna Charta, Quod recognitiones de nova diffeifina, Seethe I part of & de morte antecefforis non capiantur nisi in suis propriis comitatibus, & hoc Mag. Cart.c. 30: nostros per unumquemque comitatum semel in anno, qui,&c. capiant commitati39 H.6.19.b. bus illis Astisas prædictas. 189 some of this Got these states and the commitations. First, that no Allice can be returnable in the Bings Bench, og Common Bench, unleffe the befeiffn be done in the County where the Benches fit respectively, or if both Benches At in one County, then the Plantiffe hath election to make it returnable in which Bench be will. Secondly, that the Juffices of both Benches in that cafe have furts diction oziginally and ordinary without any Batent. Abirdly, that upon the faid Act of Magna Charta Letters Patents to Juffices of Affice were framed for the taking of Affices in the proper Counties in thefe wozds,

Rex. &c. dilectis & fidelibus fuis R.M. uni Justic' fuorum de Banco. & I.L.u. ni Justic' suorum ad placita coram nobis tenend' assign. Salutem. Sciatis quod constituimus vos Justiciarios nostros una cum hiis quos vobis associaverimus, ad omnes a Assisa, b Jurat, certificat. coram quibuscunque Justic tam per diversa brevia domini Johannis nuper regis Angliæ patris nostri, quam per diversa brevia a writ to the She nostra in Com' nostris Southt', Wiltes. Dors. Somerset. Devon. & Cornub. rifto bring be ac in civitate Exon. arranian' capiend'. Et ideo vobis mandamus, quod ad certos dies & loca quos vos ad hoc provideritis, Affis', Jurat' & certificat' illas capiatis; d Facturi inde quod ad Justitiam pertinet secundum legem. & consuetudion', oc. nem regni nostri Anglia. Salvis nobis amerciamentis inde provenien. Manda-b Jarat when the Junes Inim Vicecomitibus nostris com' & civitat' pradict', quod a certos dies & loca quos eis scire faciatis Affis', Jurat. & certificat. illas una cum brevibus oriturn'dinjuratam. gin. & omnibus aliis ea tangen. coram vobis venire fac. In cujus rei testimoni-

um, &c.

By this writ the feifin and possession was recovered, and became most freof you may read quent, quia non est aliud breve in Cancellaria, per quod quærentes habent tam festinum remedium, quam per Affifam. And after the ftatute of W. 2. was mabe, and thereby it was provided, and affiguentur duo Justiciarii jurati, coram qui-

bus, & non aliis, capiantur Affifæ, &c. ad plus ter per annum.

fW.2.ca.30. 8 Dominus Rex, &c. præcepit, quod de cætero affignentur Octo Justiciarii cir-Vid.4 E.3.ca.2. cumfpecti & discreti ad Affisa, Jurat. & certificat, capiend, per totum regnum g Ro.Pa. 31.E.T. Angliz, viz. and bibideth the Realm into eight parts, and to every part affigueth two Juffices.

Glanvil lib. 13. Cap. \$3533, &c. Brack, lib.4.fo 164. b. Britton f. 106.b. 112.118. Fleta lib.4.ca. 1. & J. Mirror ca. 2 Sed.15. Stat. Walliz in Vet. Mag. Cart. 2 part.fo. 1 2. 26 Aff.P.14. the Inft, Sect.

When Justices of Affife by Patent firft began. The Patent of the Justice of Affife. a Justic nostros ad Assisas.

Hereunto belong Commissions of affociat , writs of admittance and of fi non omnes, &c.F.N.B.177. Register .. and fore them omnia brevia Assis' Juzecognitors are

29 Aff.p.78, &c. Certificat.herein F.N.B.and the Register. d Nota. e W. 2. ca.25. f.W.2.c2.30. Ret.3. De Jufti-

ciariis affignatis.

" mar other walte of Parliament base giben unto Judices rofo Affice authority

Pred teltatus dellinibus ca | 11 Juliciarii ad Affilias capiendas affignati delibe- \$27 E.a. Soutde : rent Gablas incomi illie ramamente il bercares quame nera de prifommis quibufeune Finbus, cap. 3. que : Appeals of marser, robberg and cape may be commenced before Authors To deliver Gre of Align. Polisigter watutier of Alice to try the appealm of Approbers a la Stande Appell Tullicativad A fifts capiend affignati non compellant | bratores dicera pear fee tate. an. 18 E. r.

Muticos of Ant Gall enquire for concerning, and falls estuenced Sherr W. 2. cap. 30.

s Junices of Affile may bear and decermine of Confyiratogs, faile Infognets, 2 B.3. cap. 5. to Wickey December of Documents and Auster at the complaint of any gardefunctions and wiched procurers of dozens; Enquelle and Aurice at the complaint of any 28 B. 11 483 without wat, and without delay, and of confederacies and Champerties and c. 1178 a.e. 15.
minimathety deavers, and officers by bond, of hard betaults of Oberiffs, E. Regis. 186. 185. 185.
chesto28; Bailles, and other Officers of the change of the confederacies of Majors and Bailles, and other Officers of the change of the confederacies of the change of the change

"Aifflete of Affete may enquite of defaults, oc. of punishment of A invallers, oc. 1160, que ne forbbe

which foll at unvestionable pricestonage as

Aber babe power'to bear and actermine riging and going amiebec. Bud to bao E.3. ca.s. punish Justices of Peace, Sheriffs, Baillies, and others for not doing their 123 E. 3. ca. 6. Northampion. office in that tafe.

1 Aber map beer and betermine treafon in counterfeiting of money, ac. i R. 2, ca. 11 Of " Eber Wall de efecation of the Barute of 13 H. 30 of stote bone unaber pretence unlawful mainupon pain of an hundred pound. " And by wellatite of 2 H: 50 Commissions tenance. that be awarded to enquire of the default of Judices of Antice, and of Judices 3 H. s. cs. 7. of Peace in that behalf.

They fall enquire of, bear, and determine all offences contrary to the fathe 13 H.6. ca. 10. tutbol'23 H. occineening Diering, ariser Shevilla and their Clerka, Corners, 33 H. S. ang. Stituaros of Francisties, Ballitte and Berere of prifore for error ion, and for for footing letting to bail fuch as were not baileable, og for benging of baileto them that

if prius may be granted, ish, este so d'at veguo 154 8 c.i gnith adi saadis Juffices of Affice thall tabe batt of bim that is acquitted of murber with 13 H.7. cap. 1. in the pent to appear to the appeal of the party, & Elias caps sun Of Informers. SEliz dap. 4. Of La Bouvers, Spoled days an ac 3" varites by at iffice a Nati prints ma

19 Millices of Allte of Gaod-delivery, and of the Beace, theil enquire of the q 1 H.s. c. 4. det 1381 78 H. v. 6 b 13mt fein to be oblictied, thei if the Appella be acquismoto de dinkito

ding of high ways. Debunters in Parks. "De unating of Leather. De athen of El. cap. 16."
De forget por falle debs. " Meatrib dit that in Language and the filter of El. cap. 16." Art iger of falle deag. A gainte authenium untite die gestelle die gestelle gestelle

on Auflices of Auflie choire in the feat oright to preclaim the flatute of the Hill services of the contract o and other flatutes againft unfatoful maintenance, champerty, imbeactry, and a 32 H & can unfatofill refegnet 31 to 200 confer partie en fatitie of unfatofill games 533 H s. 4. 5.

in their circuit. Die the Cumines of Normandy, capitalonating molidationi i des audine Bow concerning Julices of Nifi priuse the distributes in infinites in ebediate W. and see tiffe of W. 2. of inties, joytied in the Common Wegge, and kingalienth spatto the a part of the their authority is annered the Authors of Anies mivin by foots of a judicial tion of this Act. with the there is an expensive their authority in an extensive their authority is an extensive their authority in the there is a fact that the property is the part of the Act. ate the sum we the clipfing toff intion of Infice of Affiles and of Nither and Office and Of

darly of affices of Nid print in libro men. forge la cho Pl. begun, Et durint en bif print grant devint Stonf.

ent to have the late pur in bue execution, ter plus vident oculi, quam ocu-, bis the ment in more berge est comission in grounded it more printer berge est comission in grounded it more printer berge est comission in grounded it more printers. riis noftris apud Westm. in Octube Sunchi Michaelis, welcomme Insticution nostris La Asiste in Com. tub per sommen sures miller inde premis capinal. (cr. tericine isc. bess all of the Bee and Sec. wind in the large of t And it toas objeded, thet the inice and a libeat cold al soften.

as stable the this the specialities of Nife Prior habs poles to the subsement in Reg. judic 48. Affite of Darrein Presentment and Quare Impedit.

W. z. cap. 39.

teniut wegen, bolebout dem certie & tobere ib

13 H.4. Ca.7. # a H. f. cap.8.

The writ of

6 E.6. Diet 77.

25 211. p. 3.

as elfembere.

Di tillues joyned in the Bings Bench, Common Bench, and Erchequer, the Chief Buttices, og Chief Baron , og in their abtences two other Budices og Barons of the faid feberal Courts, as Juffices of Nifi prius fog the Coun-9 Bl. Dier sor; to of Midd. within the Term, of four Dages after fall feberally try, ac. and that Commiffions, and writs of Nifi prius that be awarded, et. It is to be obferbed that there is but a transcript of the Mecozd cent to the Austices of Nisi

37 E. z. de finibus. F.N.B 24. 11E, 2.02.3 & 4. 2 2.3. ca. 16. & 4 E. 3 cap. 2.

18 El. cd. 12.

By the flatute of 27 E. 1. de Finibus ca. 4. It is probided, Quod inquisitiones & recognitiones capiantur tempore vacationis coram aliquo Jufficiario de utro-1.e Seat.de York. que Banco, coram quibus placitum deductum fuerit, Set the Cathtes of York, 2 E.3.cap. 16. 4 E.3.ca. 2. and the Katute of 14 E. 3. cap. 16. which Katute doth provide that Nifi prius may be taken in every plea real og personal before two. 14 E. 3. ca. 16. To that one be Juftice of one of the Benches, oz the Chief Baron og Derfeant fwozn, without any regard where the plea depended, and this fandeth getat this bap. Vid. 42 E. 3. cap. 11. 19 H. 6. fol. 47. 33 H. 6. fol. 14. 16 H. 7. fol. 14.

Maria Dier fol, 163.

Rot. Clauf. 10

Concordatum fuit per totum concilium regis, quod nullus Vicecomes aut Co. E, 2. 10. 10. ronator fiat Jufticiarius ad Affifas capiend. Gaolas deliberand, transgreff, audiend. & terminand, seu ad aliquod aliud officium Justic, faciend, eo quod debent effe intendences aliis Jufticiariis, Which Sat is declaratozy of the Common lam, for that (as by the reason perioed in the Act it appeareth) these offices be incompatible, the one being attendant unto, and within the controlment of the other.

F.N.B.340.6. Stanf. 156. Nifi prius in cafe of felony and cip 11.

14 H. 6. cap. 1. Bultices of Nili prius babe power in all cales of felong and treaton to gibe juogement, as well where the prifoner is acquited, as where be is attainted, and to award execution.

a mabere the king is a party, a Nisi prius may be granted, if the kings Acturny affent unto it.

24 E 3. f.23.

In Appeal of murder, robberg, and rape brought in the Kings Bench, if the Rot. Par. 37 E 3. parties be at iffue a Nifi prius may be granted befoze Mutices of Affite, 25 E. 3. nu. 18, F. N.B. 30, 14 E. 31. Nisi prius 16, 22 E. 4. 19. 21 H. 7. 36. 9El. Dier 261. 42 E. 3. c. 11. 24 I. 3. 6. 14. 8 H. 5. 6. But it is to be obserbed, that if the Appellie be acquitted befoze Audi-12 E. 4. 18. 3 ces of Nifi prius, they have power to acquit, ec. and gibe judgement, as is afoge-

121, 13I.

Dep may allo enquire and judge of the abettogs and bammages by the flaof the Infl. supon tute of W.2. cap. 12. and not by the faib Act of 14 H. 6. And to it is if the Appeal this Act of W. 1. be brought befoge the Muflices for Affile , they babe allo power to enquire and juoge, Ut fupra.

cap. 12. d 17 E. I.ftat.de finibus, cap. 4. Regift. 186.

Libete Buftices of Nifi prius were inflituted for the caules, viz. 1. Propter intolerabilem jacturam Juratorum, & in exonerationem Juratorum. 2. Adcelerem justitiam in ea parte exhibendam.

W. 3; cap. 30.

Inquisitiones & Jurat. in placito terra capiend. que magne non funt examinationis, capiantur in patris, &c.

Regist. 186.

And hereupori a probibition to grantable to Auftices of Affite, Quod non caperent in patria inquisitiones que magna indigent examinatione

14 E. 3. aff. Br. 413.& tit. Aff. Firzh. 110.

By the original institution of Austices of Asiles and of Nisi prins, the treat Qualo be befoze two at the leaft; and it were much for the advancement of juffice and right to babe the late put in due execution, for plus vident oculi, quam ocuculus, and specially in Pleas of the Crown concerning the life of man, in regard whereof thep watt be westhe of greater allomaires at male W ha

Dier Manuscript Hill. 18 Eliz. 26 aff. p. 3.

Realidic 49.

90 W 2 CR. 32.

6 E . Die ??.

Before the Auftices of Ante in pays a forein ples, viz. Millenage was pleaded, for treal inherent the Meroza was remobed into the Common Bench. and there a Venire fac, mas awarded, and retogn, fervic, and a Habeas corpus with a Nill prius mas prayed. And it was objected, that the iffire mas not foyned in Bank, mor judgement to be giben there, and yet in the end the prayer was granted, as THEO DATE

in a * Certificate, upon an Affite a Nifi prius thatt be granted : " And foit is up. " 7 H. 4. 45.

ma fozain Coucher, Receipt half be granted, and a treat by a Nifi perus had.

The Justice of Nili prius may grant a Tales de circumitantibus, eftper toben

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* pushere the ming is party, a Nill prius to grantante roy the ming,
the party without affent of the mings Atturny, and to are the house to be intent cap.7.14 El. cap.

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tury man palloner in Newgate, and came in ward and pleaded, and man remained, and rich still prins frontly be granted be should lake his challenges, the Comto to grant any Nifi prius, otherwiles Nifi prius may be granted in an 14 819. Ni

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pent reges noften Anglis Salvas nobin autorisaments et anns et novembre Pedinterport, and Mondaconas coins precession was vive Com, predict, quad ad cert i dies exidens ques possede recevelleum comma aliquem retractes en audie prophes Rogerum Manuscod es Foduncia Fellera una la galumina, es seine feur feur com volts. men pila

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Wers, their general words.

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the profes is brown when with being electrons, who is not the conserved firms de authority of Juffices of Oier and Terminer is by Committion. Commissions of Oierand Perminer there he two foles, one general, to respect of the perform, the affected are commissed, the which Commission foliables in these mores.

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Nota, thefe general words.

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E dia Alle Bondberd Det gratia Anglie, Trantin, & Ribernia Berine, faki de fonfor Sec. Charifs inste confançament fuit Williams Marchinal Winter Benties Comits Seath &C. of Alectics & Salibos fair Regers Management Fuffic, fuorum de Banco, Johnson Faffung und Juftie, and plateta sura .041 fortal fortal dicting Stations in Superior of places such than Faffing and John ad places such that the Palaces & John State ins Julius, Morons de Banco, Judiums Julius, un Julius, un placina surchinale (1904), and placina surchinale (1904), Andrew Julius, Ju siveritis, aus poterità tam infra libertates quam extra, per quos rei ven ritas molius schri poterit de quaba semque proditionibus, misprisonibus, proditionum, insurrestianibus, rebellionibus, murdris, selonius bomicatios, intersectionibus, barglariis, rapiblus mulierum, congregationibus, & conventiculis illicitis, verborum prolationibus, (oadjut ationibus, misprisonibus, confederationibus, falsis llegantiss, transgressionibus, riotis, routis, retentionibus, escapitis, contempatabus, falsitatibus, sugligentiis, concelamentis, manutenentiis, oppressionibus, cambipartiis, deceptionibus, et valissis malesactis, offensis, et impritis quibuseunque, nec non accessar, corundem infra Com. pradict, et comun quendibet, nan infra libertates, quam extra per quos vet per quem, cui vet quibus, quanto, qualiter, et quomado, ac de aliis articulis & circumstantiis pramis, et corum aliqued vel aliqua qualitereunque concernen. Et al saldem proditionas & alia premissa (baccivice) audiend, et terminand, secondum logement consuendinem, regni noqualitereunque concernen. Et ad taldem praditiones de alia premissa (bac. vice) audiend et terminand sacundum lagem et consuetadinem regni nofice Anchia. Et ideographi mandama quod ad cersos dies et loca quos vos
vet très destrum, quorum aliquim destrum ex vobis prasat. Roccrom
Manwood et Fohannem Fossora nunni esse volumus, ad hoc provideritis diligenter super pramissis successi inquistiones, et pramissa amissa et singula audiatis et terminetis, ac en saciatis et expleatis in sorma pradicia,
sacturi inde quod ad Fusticiam perienti secondum legem et consuetadipem regni nostri Anglia. Salvis mobis appereiamentis et aliis ad nos inde
sacturibus. Mandaminus enim Vicecomitibus massis Com madissa and spellantibus. Mandovimas enim Vicecomitibus nostris Com. pradict. quod ad certos dies et leta, quos vos vel tres vostrum, quorum aliquem vestrum ex vobis prasas. Rogerum Manuocod et Fahannem Fessery unum esse volumus, eis seire seceritis venire sat. coram vobis, vel tribus vestrum, quorum aliquem

* Nata.

. 41 A . 110. eres Agolid

aliquem mestrum vobishrussu, kotti om utamood it Fohamem Fessera unum este volumns, tot er tales probos er legales bomines de ballivis suis tam liberta-tes, quam extra, per quarres votitas melius seires pateris er inquiri. In culus rei testimanium bas liseras nostras sers secums patentes. Teste mesosa apud Westm 47 die Funis Auso regni nostra dacima othavo.

particular Commissions of Dier and Arriviner so called in respect of the particular of the observations, as of shouldes, subsector of the strainer of the present of the strainer. It is supported that the particular of the strainer of the 1120 Particular Commillions of Wier und Kerinfeier, fo called in refpet of th

time stepts (Cranolardete)

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The fecond Conclusion is that Commissions are like to the Mingle August Council are to the to the Mingle August Council are to the And conclusion is that Commissions are like to the Mingle August Council are to the and conclusion are against the Council of Augustic August Council of the Council of August Council are to the August Council and the Council are to the Council are to the Council are to the Council and the Council are to the Council ar parliment of at the granted the granted the granted the granted to all control of a control of the granted to the granted the

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*Regist. \$25, \$26, \$27. F.N. B. 110, 111. For particular committions for 43 Aff. pl. 14. 34 Aff. p. 8. 39 E. 3. 305 J I. Rot. Clauf. 18 H. 9; m. 17; de 4 3 E. 3. cap.s. 34 E. 3. cap. 1. To be named b the Court, and not the party. See the flature of 41 E.3. C. 4. which extends to Enquiries. 4 H. 4. caps 9. Vide Rot. Parl. perions ought be named . . . note a diver between Comquiry, and of Oier and Ter-

b W.a. 13 E. 14 cap. 29. 6 Rogist. 124, 115. 2 E.g. c. i d 12 Aff. p. 21. VideBr.com, 12. miner 4. Superfed ands

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42 Aff. p. 12. Vi.F.N.B. 110. b, Regift. 125,

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Vide so Aff. 33.

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1 M. S. Sir Rich. Emplanacale. तेर्थ के पानिता

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E Our & Ter-And with this ant experies. tit En queft ; ;. 23 E.3.COT.44. holden for no Rot Paris Vide lettar, de

5 E.6. cap. 14. Of Forestallers, Ingroffers, and Regrators. 33 H.S. c 9. Of uniswful games, See many ffatutes wherein Juff bes of Oier Terminer are

exprefly named.

many more authorities mightly cited, but les un return to our Auftices of Dier

and Acriminer.

In the reign of E. 3, the Inffices were to carefull, that no immobation flours price in concerning Committions of Dier and Acriminer; that certain Judices being their authority by Wife, tobers they wright to babe had it by Committion, though it were of the formand washe that the legal Committion edghe take, John Knivett Chief Judice by the advice of all the Judges refolked, that the faid Wick toos controllegem. And where divers Indian ments were beloze them fourth against T. S. the fame, and all that was adone by colour of that Wife was damned. The third conclusion is, that Judices of Wice and Lerminer cannot proceed upon any Indianness, but upon Indianness cahen before themselves, for their authority is, Ad inquired, sudiced, & commission.

Colar 187 Abe fourth conclusion, that Julices of Dier and Cerminer may upon an Abe south conclusion, that Aukices of Dier and Terminer may upon an Indiament sound proceed the same day against the party indiated. But syatus this there some to be great authority a Fast in Kelwey so, 2500 b. it is thunssio. Mem, que en breise de Oier & Terminer, Rightlike sur les alurrection in Londres is suit determine alerement per tout judices Dengliterre, que Justices D'oier & Terminer ne puis inquire un jour, et mes ma le sont determine, vient chur que justices de peace; mes Justices de Gaol delivery & Justices in Sirepotentiems, Ramap de that he that set down this cose tout tempor trust, son it generalem implices de tout dem archie intit the creament implices de tout dem archie intit the Chroniste in 9 H.S. so. Russ, and it se erreneous implices main points. L. That the Oler and Learniner was by Mizit, where it was and ought to be by Commission, and at he reminer was by Mizit, where it was and ought to be by Commission, and at he reminer was by Mizit. Tend of many, may be the prof toberest the will rice forme felte Mecords inc.

Thomas Marke Bithop of Carlifle before Committioners of Dier and Lermis, pp was invited, tried and abitabled all in our day, for blub Areafon.

Die Lunwooglefestum Sancti Michaelia, annous H. S. before Fisher, Beudnell, palmes, & c. Cammistioners of Dier and Larminer, Dir Richael Benefit in history of Dier and Larminer, Dir Richael Benefit in history of Dier and Larminer, Dir Richael Benefit in history of Dier and Larminer, Dir Richael Benefit in history of Dier and Larminer, Dir Richael Benefit in history of Dier and Larminer, Dir Richael Benefit in history of Dier and Larminer, Dir Richael Benefit in history of Dier and Larminer, Dir Richael Benefit in history of Dier and Larminer, Dir Richael Benefit in the Carlotte in the

Palmer, & C. Camenificante of Oier and Languiner, Dir. Richard Employ to highest of Pigo Breaker and rules all in one page. And two befores a secretary upon not guilty pleases, it is them; ildocate of C. dominum Regen dia. Richards Reploy railizes an influent after the second primary post meridicum apud calirum de Narchampson Barer and Second at a guinte second at cognosis designations quinte second at cognosis designations. quos quidem diem, horam, & caftrum de blandampe, venito

s quidem diem, horam, & cettrum activers maps, remaining, and likely, Bourd Mountagne, Dev. hand 3 E. 6. at Wellin, before Richard Lifter, Boward Mountagne, er Cholmelgy, Edmond Morron, William Portman, and Humfrey Brows of ather Commissioners of Dies, and Cerminar, Robert Relitious indigen of the Estatem and tried the fame day, and Dear diano; B. 6. before Die William through a the Bustices of Dies, and Commisses at Reading in the County of the Thomas Bonham was indiced of Dies Eventual and tried the County of the Thomas Bonham was indiced of Dies Eventual and tried the County of the Life of Dies and County of the Authority of the addices of Allanders of Dies and County of the addices of Allanders of Dies and County of the addices of Allanders of Dies and County of the Authority of Dies and County of the Authority of Dies and ger Cholmel Portmen and offer.

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e percept to the Chierical and Period of the Commilliances for the recurring of a Jury, but repeated it is in the Mings Bench.

I be there exercise it the fair elect of the County of Bence cannot incomit and the county of the County of Bence cannot incomit and the county of Bence cannot incomit and the county of Bence of Bence cannot be comined by the fame bay, as well as Authors of Beat delibery, and Authors in Circ, no county calon and beginned at the county of Bence of Beat delibery, and Authors in Circ, no county of the County of Bence of the County of Bence o

diam'r.

Of Purveyours

if the Catute appoint the penalty to be recobered in any of the mings Courts of Mecozb, according to the opinion of Carlyn, Sanders, and Whiddon; for the

Court of Dier and Terminer is the Bings Court of Mecozo.

The first conclusion is, that the bing may make a Commission of Association directed to others to joyn with the Austices of Dier and Lerminer, and a West of Admittance to the Juftices of Dier and Terminer, to admit the others into their foriere, which wirt is close. Abere is also a durit of Si non ombes diseas to the Judices of Dier and Lerminer and to their Allociates : the forms of all which you may bead in the Megifter abi fupra; and the to Buto fliers. And in all thete Committions and White, the Austices are hirected with this Mule, Facture quod ad justiciam percinet secondum legem & confine udinem Analise where is a cross many of a labella! Committion. gliz, which is a true mark of a lawfull Committeen.

The febeneb. If the Juftices fit by force of the Commission, and do not ab Commission Br.

Journ the Commission, it is determined, to his hand Le Bustices of Beace, cannot 9H.4.coron.437 affign a Cazoner to an approber ; for it is not within the Commillion ofeither Scanf.pl.co. LAJ:

of them, but Auftices of Gaol delibery may do tr.

The minth. Judices of Dier, and Lerminer that tend their Recognizand, n. 3. cap, 3.
Proces vetermines, and put in execution to the Exchequer at Mich, there pear to be belivered there to the Lreaturer and Champerfains, de, to hap them in the haviour and acts of the laid buyers and takers, and how much etamber

The reach. Rame of their Commissioners, of orallies God Delibery, wind 34 Ast. p. 8.

the Peace, of other of the Kings Commissioners are complemented by the L. S. A. so. 22.

they Commission, unless the new Commission be beined unto them for so, may 10 E. 4. so. 7.

in as it is spewed unto 3 or that it be proclaimed in the County, or that the new L. J. E. 4. so. 7.

Commissioners do sit and keep their Desirons by force of the new Commission, the Kelwey 116.

former Commission is countermanded. it tedt , bed inida ad er et it fatt .da 19 Elie. Dier

pig, 169. The flattere of 1 & 3 Ph. & M. cap. 18. for Cities or Towns Corporate being no Countles, but it extends eth not to Commissioners of Oier and Terminer. And for better information to be made to the faid Juffices of the

Onno a rinde profitable Katute in made concerning this thatter, we Thin z E. 6. cap. 7: no Brigot promotes warmer is made conterming the interest was Target B. E. cap. 7.

no Proces of the Beare, of a other of the Kings Committioners, that notin any wife a Nota, the gentle continued by the making or publishing of any new Committion or Allocas, neral words, or by altering of the names of any of the laid Juffices or Committioners, but that the new Juffices and Committioners had a latter with a laid to the laid of the laid of the laid the new Juffices and Committioners had a laid to the laid of the laid the l Houses, as against the buyers or takers before named, altered.

2. Concerning mis demeanours, C. of Villans

Sie the Statute of a R. 2, cap. 6.

3. Of and for Sums of money collected for Honles of Correction, er for the rom, O'c.

This Courtin called by the Katme of 39 Eliz. cap. 4. 85 by the fame expeareth; tobereinethe is to be oblethed. Abet their procedings, indgements, and execus tions build emein good and abailable in law, builbont any redecife to be had by fuit in any other Court.

Sie the Second part of the Inflitutes the exposition of these Katures.

4. Concerning Colledges, Hoffitals, or Almer-bonfes, or for charitable and lawfult purpofes and when

It is lawfull for the Lord Chancellor or Lord Keeper of the Great Seal.

\$ Eliz.cap. 6.

. R. S. Cap. 6.

3 9 Eliz. cap. 4.

1 Jac. c. 7.

o abmit the others inte The Courts of Special Juffices of Oier and Terminer, of and concerning, 1. Purveyours, 2. Middemeanours atof Willains, &c. 3. Sums of money collected for houses of Correction, &c. 4. Colledges, Holpitals, and Charitable ples, Abe geneb. Atthe Inflices fir by toger of the Commiffeet, and so not ab Commiffeet,

Occupants of failure, or Judices of Bouce, connet of failures. Belinen 4. 3 mereby it frenades That Commissions that be made to two good men and lawfull of every County, and the third to be of the Kings house. So that Of Purveyours. 100 9 E.3. cap. 5. Buyers of Victu
If any of she three come not, the two shall proceed to enquire of the beal, &c.

Taken of Care

haviour and acts of the said buyers and takers, and how much the said regers of the act buyers charte taken and bought a and how abuch carringet; and to hear All of the sent of selled or bear separation statements of the sent of the sen

pid. sid et ed. And it is to be obserbed, that the adion of fuit given by the faid an is not Live to bayeste and the fundation of either the Brita and the bayeste at the fundation of the formulation.

And for better information to be made to the faid Justices of the 7. que . d. I : things aforefind, the Stewards Treasurers and Controller of the two Houses (was of the King and Queen'y ac every Quarter of Half years about land of every perion; and the Chancelor that lend the faid Certificate to the Justices which shall be to affigued. And that this Act extend and hold place as well against the Purveyours of the Great Horses of the faid two Houses, as against the buyers or takers before named,

2. Concerning misdemeanours, &c. of Villains.

De the Statute of I R. 2. cap. 6. 1 R. 2. cap. 6.

4. Eliz,cap.6.

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4: 66 3

3. Of and for Sums of money collected for Houses of Correction, or for the poor, Oc.

This Court is called by the flatute of 39 Eliz. cap. 4. as by the fame appeareth, 39 Eliz, cap. 4. erein this is to be obserbed. That their proceedings, judgements, and erecu-1 Jac. c. 7. s hall demain good and abailable in law, without any redzeffe to be bad by Suit in any other Court.

Die the Second part of the Inflitutes the exposition of these statutes.

4. Concerning Colledges, Hospitals, or Almes-bonses, or for charitable and lawfull purposes and uses.

It is lawfull for the Date Chancellor or Lord Keeper of the Great Seal,

Special Justices of Oier and Terminer. Gapsag.

Seal, and for the Chancellour of the Dutchy of Lancaster (for lands within the County Palatine of Lancaster) to award Commissions under the Great Seal, or Seal of the County, to the Bishop of the Dioces and his Chancellour, and to other persons of * good and sound behaviour, "No person into enquire by the oaths of twelve lawfull men, &c. as by all other tereffed &c. to good and lawfull means of all and fingular Colledges, Hospitals, and ner. other places, founded or ordained for the Charitable relief of poor, aged, and imporent people; maimed fouldiers, Schools of learning, Colledges in Orphans, or for such other good, charitable and lawfull purposes and both University intenes. And also of Lands, Tenements, and Hereditaments, Leales, Eason, or Win-Goods and Chartels given on appointed for the like lawfull and charitable chefter, and Caules. As also forreparation of Highwayes, of Bridges, and Sea-banks, thedral Churfor maintenance of Free Schooles and Poor Scholars, and of Orphans excepted. and fatherleffe children , and fuch like good and lawfull charicable It extends not to nies. And to conquire of the abuses and misdemeanours, mis-imploy or Towns Corments, fallities, defrauding the trusts, alienations, and misgovernments, porate where acc. And after such inquiry made upon hearing and examining thereof Governous, &c. to let down fuch orders, judgements, and decrees, as she faid good and Nor to any Colcharitable uses may be fully observed in full ample) and most liberal fort, leage, Hospital, &c. Which orders, judgenomes, and decrees (not being contrary to the which have special visitors, &c. and decrees of the Donors or Founders) shall stand a firm cial visitors, &c. and good, according to the tenor and purpore thereofs which Orders, on extends no extends n Judgements, and Decrees are to be certified under the Season the County Palatine of Lancaster.

The party grieved may complain to the

3 Mar In A to

its mother

Lord Chancellor or Lord Keeper, or to the Chancellour of the faid Dutchy, for their sedreffe therein, &c. and they have power to judge, &c. according to equity.

It is to be observed, that when any Ad of Partiamone doth authorise the Lozd Chancellour of Lozd Amper to make of grant any Commission under the Creat Seal, that he may make of grant the same inthous any surfer warrans, because the king is parry to the Au of Parliament, and there cannot be a greater warrant to the Lord Chancellout, ac. than the Act of Barliamene. wiredtus 21 10 mae !" alo lel

i. Ludices of George believe ined erraign any man that is in prices in that alliga occ., 47 Baole unan an invid ment of Felone, streffalle, ec. veiore Audreve at Beare, though it were not found befoge themfelbes, which (as both ben leid) Zullices a Dier nich Kerminer , meier da. Jufticen of peace finil beliber eherr Anbitmeure to the Antrices of Gaote-belibete.

the state of Elegination openetien gent peroined by the Oberich, beitbont mabing any precept ru bing, as Auflices of Wier and Acriminer (us bath bein fait) ought romater. And the eraten of the difference is, because a green as commandment ismade to the Boreiff be the Auffice of Cante belibery to ceragn Anico against their committig : but if they babe a special Commission, orbeitoile is is be Hankeford.

Ler map beitber ficheen fortenp, se, by Bzerlamatten, eg kall toftort which Zuflices of Diar and Aceminer, of Juffices of Peacecanner de.

4. I hep map inquite and take indiducints of felony, et. of putem to before them, casen a ege int. and proceed upon them. Und to was it refolded in an appeal of inurber brought Arises where the Aphara against Morgan, who pleased that he was auteriolize molece and conhideb of he fame felony, ent hat bie Clerap befoge Aufligen of Gante deltherp, A and pleaded ober to the stone (a the plea allowed.) And to map Auflicen of Wiet

C A P. XXX.

Justices of Gaol-delivery.

Their Authority is by Commission in these words.

The Commiffion of Gaol-Justices. Their Commillion extends only to them that are in pria Nota:

LiZabeth, &c. Dilettis et fidelibus fuis A B. C D. &c. fatute Sciatis quad confituimus vos, tres, et duos veftrum, quorum aliquem deliver).
Note, they are fros ad Gnolom noftram caffer noftre de C. de prison in ea existe hac vice delicalled the Kings fros ad Gnolom noftram caffer noftre de C. de prison in ea existe hac vice deliberand. Et ideo vobis mandamus quod ad cortam diem quem vos, tres vel duo vefram (quorum vas prafai. A B. &c. anune ofse volumes) ad hos provideritis, conveniatio apad caftrum pradict. ad gaslam illum deliberand . fattari inde quod ad infliciam pertinet secundum legam et consideralinem rerni nostri Anglia, Sakvis nobis amerciamentis en altis adnos inde spellantibus. Mad-darrinus antinettia mostri Com, nostri My quod ad vertum ditm quem vis, ises, val que vestrom (querum vas prajus. A B 25 C D vinum esté volunius) es sei que per estant en la poste de como de la proposición de la vinum de la proposición del la proposición de la proposici Liveras neftrat fichipfedinus penentee. "Tefte, 20 County Palarine of Lan

See the fecond part of the Inft. Rat de Glocic. 0 4 E. 3. cap. 2. 17 Restcap. 9. & Thrice in the year, and oftner f need be. & Nota, few but ff: Aual words. € 4 E. 3. cap. 2. f 4E. 3. cap. 2. 3 Mar. Br. Comiffions 23. 2 R.3.Ceron.47

By the law of the land, ne homines die detineantur in prisons, but that they might receibe plenam & celerem juftitiam, this Commiffen bas inflitured, and by this Committion Gaols ought to be delibered theire in the year, and o.t.

Their authorients be the Committion, which conflictly in a prin tropas. Conflictumus vos Juliacieros noticionad Gaolam dollram calific notici de C. de prifonibus in en emiltentibus hat vice deliberand. Their Malices qualit in be. Bone gents & fages autors que des places. gents & fages auters que des places, dec.

E pon this authority and by Watnes giben unto them, thirten conclutions do follom.

I. F Juffices of Gaole-delibery may arraign any manthat is in prifon in that Gaole upon an invidment of Felony, Trefpalle, oc. befoze Julices of Beace, though it were not found befoze themfelbes, which (as hath ben laid) Auftices of Dier and Lerminer cannot de. Juffices of Beace hall deliber their Indiaments to the Juffices of Gaole-delibery.

2. They fall take a panel of a Jury retozned by the Sheriff , without mabing any precept to him, as Austices of Dier and Lerminer (as bath ben faid) ought to make. And the reason of the difference is, because a general commandment is made to the Operist by the Austices of Gaole-delibery to retorn Auries against their comming : but if they have a special Commission, orberwise it is by Hankeford.

2. They may deliber inspects for fatony, oc. by Braciamation, against whom bre is no sufficient evidence produced to the Oreat Anguest to indict them, oc. tibre in no lufficient evidence produced to the Ogent Anquell to indicately Auflices of Dier and Lerminer, or Auflices of Peace cannot do.

4. They may inquire and take indidments of felong, ac. of parfoners befoge them, coram Rege int. and proceed upon them. And to was it refolbed in an appeal of murber brought Apharry & Morby Apharry against Morgan, who pleaded that he was autersoite indicted and congan in Appeal,
history of the same selany, and had his Clergy before Austices of Gaole delivery,
R.3. Coron. 47. and pleaded ober to the selany (a the plea allowed.) And so may Austices of Dier

4 H. S. Enqueft

55.

2 R. 3. Coron, 47.

Pasch. 29 Eliz.

and Terminer do, which is to be obferbed by the judicious Meader, for both of them have authority to enquire, hear, and betermine of fuch as be prisoners in the Baole : and in that cafe they have a concurrent authority.

5. If a man be indiced before Juffices of the Peace, and thereupon ourlawed, is H.7.5. b. and is taken and committed to priton, the Juffices of Baol-delibery may award

execution of this prifoner.

6. They may affign a Cozoner to an Approber, and make Droces againff the Stat. de Appellat. Appelle in a fozein County.

7. * They may punit those that let men to bail og mainpaile, which are net Pl. cor. 143.c.

beilable be late, or fuffer them to efragt.

By the Bratute of 1 E. 6. it is probibed in thefe words.

And be it, &c. That in all cases where any person or persons hereto i & a Ph. R Ma. fore have been, or hereafter shall be found guilty of any manner of cap. 13.

Treason, Murder, Manslaughter, Rape, or other felony whatsoever; Treason, ac. for the which judgement of death should or may ensue, and shall be repried to prison without judgement at that time given against him, her, or them to found guilty, that those persons, that at any time hereafter shall by the Kings Letters Patents be affigned Justices to deliver the Gaole where any fuch person or persons found guilty shall remain; shall have full power and authority to give judgement of death against fuch person so sound guilty and repried, as the same Justices before whom such person or persons was or were found guilty might have done, if their Commission of Gaol delivery had remained and continued in full force and firength to apparain a

8. Ware by the Inogemein of the whole Partiament this conclusion beth fol- 27 E.t. de finilow, that Audices of Baol delibery according to the generality of the words See as E. r. De of their Commission, may beliber the Gaol of prilosters committed for Bigb Appellatis, Treason, which we yrefer before any private opinion, especially concluding with the recital

9. 3 Juftices of Gaol delibery thall fend their Mecozos and Proces betermined, 47. Cafe de and put in erecution to the Erchequer at Michaelmas eberp pear to be delibered Stanfipl. cor 373 there to the Ereafurer and Chamberlains, ac. to the free in the Ereafure. 38. & 182. 2.

10. b Juffices of Baof delibery may receibe Appeals of robbery and murder by

Bill, but the Appellies muft be in prifon before them.

11. Lo thefe Auflices Commiffions of Affociation, and Wights of admittance, Dierfo. 99. and Si non omnes (as bath ten fato of Juffices of Dier and Terminer) are di-

12, 4 Justices of Gaol delibery foll her their Sessions in the principal and ca E. 3. cap. 2. thief Lowns of the Counties where the Phire Courts of the fame Counties be

13. By the flatute of 2 & 3 Ph. & Mar. it is probided, That all Commif- 2 & 3 Ph. & Ma. fions of the * Peace or Gaol delivery to any City or Town Corpo- *11 H.6. cap.6. rate not being a County of it felf, shall stand and remain, the granting of any like Commission of the Peace or Gaol delivery in any Shire, Lathe, Rape, Riding, or Wapentake, being of a later date, to the contrary notwithstanding.

De in the Chapter of Dier and Terminer Conclusione g. moze toncerning

Julices of Gaol Detibery. Vide 44 Aff. pl. 21.

De authorities lately granted to Juffices of Gael belivery in the Chapter next entuing of Jultices of Peace.

38 B. I. Stant. 27 E.1. ftar. De finibus cap. 3 4 E. 3. cap. 2

10

the recital. Vid.a R.3.cor. a 9 E. 3. cap. 5. 14 H.7.fo. 15.b. b 13 H. 4.fo. 10: 3 H. 7. cap. I. Stanf. pl. cer. d 6 R. 2. cap. 5.

CAP. XXXI.

Iustices of Peace.

It Anthony Fitz-herbert, one of the Juffices of the Court of Common Pleas, and dibers others babe written of the Aurifoldion and power of Au-Dicen of the Beace, both in the Court of the Sellions of Beace, an faith. out; to tohole lahours A refer the Meadet.

And it is fuch a form of hipophinate government for the tranquillity and quiet of the Realm, as no part of the Christian world bath the like, if the fame be du-

ip erecuted.

Before the Conqueft, De pace iolata. 4 H.7. Cap. 13.

Lo the former Areacties are necessary to be added certain Adu of Parliament made in the 21 pear of our late Boberatyn Logo ming James, and certain Cabeats, Moditions, and Obler affons necessary to be bridgen. De pace violata, vi-

de inter leges Alveredi, cap. 36. Edwardi cap. 6.10129 100) van alein al Beace, we will begin with that which is enacted by the flature of 4 H. 7. as a necessary cabeat to all Austices of Peace, viz. The King considereth that a great part of the wealth and prosperity of the land standeth in that, that his subjects may live in surety under his peace in their bodies and goods: and that the husbandry of this land may increase and be upholden, which must be had by due execution of Laws and Ordinances, chargeth and commandeth the Justices of the Peace to endeavour them to do and execute the tenor of their Commission, the said Laws and Ordinances ordained for subduing of the premises, as they will stand in love and favour of his Grace, and in avoiding the pains that be ordained, if they do the contrary. And over that he chargeth and commandeth, that every man, what degree or condition that he be of, that let them in word or deed to execute their faid authority in any manner form abovefaid, that they shew it to his Grace; and if they do it not, and it come to his knowledge by other then by them, they shall not be in his favour, but taken as men out of credence, and be put out of Commission for ever. And over this he chargeth and commandeth all manner of men, as well the poor as the rich, which be to him all one in due ministration of Justice, that is hurt or grieved in any thing, that the faid Justice of Peace may hear, determine, or execuse in any wife, that he fo grieved make his complaint to the Justice of the Peace that next dwelleth unto him, or to any of his fellowes, and defire a remedy: and if then he have no remedy, if it be nigh fuch time as his Justices of Affifes comeinto that Shire, that then he fo grieved shew his complaint to the same Justices; and if he then have no remedy, or if the complaint be made long afore the comming of the Justices of Affise, then he fo grieved come to the Kings Highnesse or to his Chancellour for the time being, and to shew his grief: and his said Highnesse then shall fend for the faid Justice to know the cause why his said subjects be not eased, and his laws executed. Whereupon if he finde any of them in default of executing of his laws in these premises, according to his

high commandement, he shall do to him so offending to be put out of the Commission, and furthermore to be punished according to his demerits. And over that his faid Highnesse shall not let for any favour, affection, cost, charge, nor none other cause, but that he shall see his lawes to have plain and true execution, and his subjects to live in surery of their lands, bodies and goods according to his said laws, and the faid mischiefs to be avoided, that his subjects may increase in wealth and prosperity to the pleasure of God.

And where the words of the lato Act be: And further to be punished according to his demerks. Abere words are to to be underflood, that he fall be pimiled in air ozdinary course of justice by way of indiament upon this Air, for his contellipt, ac. and not by any absolute power, as barb then offen iminiter, and to aniwer offences tappoled by deduction

It is to be observed, that toben Juffice Kitzherbert and some others bid write of the authority of Justices of Peace, the Commission of the Peace ftod oberburdened and incumbeed with olders flatutes, some topereof were before, and fome fince repealed : and with fome, whereas there was none fuch, Compare the old and fluffed with many bain and unnecessary repetitions, and many other cogruption, with the new ons. crept into it by mistaking of Clerks, ac. For amendment and cogrection the reformation of the reformat tobereof (being a matter of to great filipoztance) Dit Christopher Wray Chief ons,additions & Juffice of England, Mich. 3 2 & 33 Enz. allembled all the Junges of England, alterations will and upon perusal bad of the former Commitsion of the Beare, and upon one appear.
confideration had thersupon, and often conferences between themselber, there El the Commitrefolded upon a reformation of the formers with olders additions and alteration of the Frace on a both in matter and method, as it now Randeth at this day; and there need reformed by allerth yet another reformation of that allo; for lince that time olders flatutes then the Judges of in force have been repealed, and brokers have expired; as for example, All the flat England.

tutes of Liveries inquirable by Judices of Peace are repealed by the flatute of 3 H.4. cap. 3.

of 3 Car. cap. 4. Tabing the flatute of 1 R. 2004p. 7. Inquirable before Judices 8 E.4. 2. cc. of Affile, Vide supra, pa. 139. Also the Catute of 27 H.8. cap. 22. That the others 27 H.8. cap. 22. of sny seite of precine, sc. of sny offolded religious boute under the balne of 5 El. ca. 2.

2001, per annum, see the asping of bonell and continual boulbold thereupon, and inquirable by Julices of Prace is repealed by 21 Jac. Regis cap. 28. And the llatute of 13 R. 2. cap. 8. and 4 H. 4. cap. 25, for taking by any Inholders in 13 R. 2. ca. 8.

gain above a half penny in a builbel of Dats over the common price in the mar. 4 H.4. ca. 25. het, and inquirable by Julices of Peace be also repealed by the faid Act of 21 Jac. Linewite the flatute of 19 fil. cap. 2. concerning busbandep and til. 39 El. ca. 2. lage, which being but a probationer for a time, was difcontinued 21 Jac. And 4 H.7.ca. 19. the Catutes concerning boules of bushander and tillage in 4 H, 7. 7 H. 8. 27 H. 8. 7 H. 8. ca 1. 5 B. 6. and 5 Eliz. are all repealed by 21 Jac. and hibers others, oc.

It is a good rule therefore for all Mudges and Multices whatfoeber, that habe furishidion by any flatute, which at the fird was tempozary, or for a time, to confider well befoze they gibe judgement, whether that tatute babe ben continued of made perpetual : and if it were at the first made perpetual , whether it be not repealed of affered by any latter flatute. Erudimini qui judicatis terram. Die in the Second part of the institutes the Exposition upon the statute of

21 H. 8. ca. 5.

Auflices of Peace may inquire if Effreats be not the wed by Sheriffs, oc. to the 42 E. 3. cap. 9. W. 1. cap. 19. the party indebted and totted. A necessary law for the ease of the hibjed.

Concerning the nomination of Julices of Peace, fee the flatutes of 12 R. 2. 7 H. 4. cap. 3. cap. 2. 2 H. 5. ftat. 2. cap. 1. 18 H. 6. ca. 11. whereunto pou may add, that before Rot. Par a8 Eg. all thete another Ad not in print was made is 28 E. 3. as well tog their nomina- nu. 17. tion, as how and by whom they thall be difcharged. Certain it is that be, that is 37 E. 3. mu. is. named in the Commillion of Peace under the Great Seal to be a Juffice of Peace, 10 E.3. nu. 64. is a lawful Juffice of Peace.

5 E. 6. cap. 57 5 El. ca. 2.

21 Jac.Reg.c.4.

At the Parliament bolden Anno 21 Jac, Regis, there was an ercellent late made, entituled, An Ad for the ease of the Subject concerning informations upon penal ftatutes, which In for that it principally concerneth Juflices of Beace, is bere interted in hac verba, as followerb.

This was the ancient and prudent policy of Parliaments as before it hath appeamight be administred & tried causes in this preamble expreffed. (a) Of this kind

Whereas the offences against divers and fundry poenal laws and statutes of the Realm may better, and with more ease and lesse charge to the subject, be commenced, sued, informed against, prored) that juffice secured and tried in the Counties where such offences shall be come mitted. And whereas the poor Commons of this Realm are grievously nitred & tried in their proper charged, troubled, vexed, molested, and disturbed by divers (a) trouCounties, & not blesom persons, commonly called Relators, Informers, and Proto the Courts at moters, by prosecuting and enforcing them to appear in his Maje-Westm. for the sties Courts at Westminster, and to answer offences supposed by them to be committed against the said poenal laws and statutes, or else to compound with them for the fame.

of men it was formerly truly faid. Hoc genus hominum femper untabitur, & tamen femper in civitate retinebitur. But this law confifting of feven parts remedied all the former inconveniences and the abuses of these troublesom persons

1. For remedy whereof be it enacted by the Authority of this present Parliament, that all offences hereafter to be committed an gainst any penal statute, for which any common Informer or Promoter may lawfully ground any popular action, bill, plaint, fuit or in-(b) Note before formation (b) before Justices of Affise, Justices of Nisi prius, or GaolJustices of Delivery Instices of Oler and Terminer or Instices of the Peace Delivery, Justices of Oier and Terminer, or Justices of the Peace in their general or quarter Sessions, shall after the end of this pre-3 Gaol-delivery. fent Session of Parliament be commenced, sued, prosecuted, tried, 4 Ojer & Term. recovered and determined by way of action, plaint, bill, informati-Butthe greatest on or indictment before Justices of Affile, Justices of Nisi prius, Juflices of Oier and Terminer, and Justices of Gaol-Delivery, or beexecution of this Ad will belong fore the Justices of Peace of every County, City, Borough, or Town to the Juffices of corporate, and liberty, (c) having power to enquire of, hear and deter-Peace, whereof there be many mine the same within this Realm of England or Dominion of Wales. wherein such offences shall be committed, in any of the Courts, places of Judicature, or liberties aforesaid respectively, only at the choice of the parties, which shall or will commence suit, or prosecute for the fame, (d) and not elsewhere, save only in the said Counties, or places cases where for usual for those Counties or any of them.

learned in the laws. (c) Note this Act giveth Juno new power in mer Acts gave

I Affile

5 Peace.

2 Nifi prius.

them none, and so of the rest of the Justices here named. (d) So as they cannot be commenced, &c., in any of the Kings Courts at Westminster.

of Outlawry doth lye upon every popular ry claufe for exe- law. cution of juffice. (f) This clause

2. (e) And that like processe upon every popular action, bill, plaint, (e) By this 2. (e) And that like procede upon every popular action, bill, plants, branch procede information or fuit, to be commenced, or fued, or profecuted after the end of this present Session of Parliament by force of, or according to the purport of this A&, be had and awarded to all intents action, a necessa- and purposes as in an action of trespasse vi et armis at the Common

3. (f) And that all and all manner of informations, actions, bills,

was added, that the Kings Majesty should be bound expressly by this Ad, that no information in the Courts at Westminster should be exhibited by the Kings attorney General, by any common Informer, or other person whatsoever. Note the generalie ly of these words.

plaints,

plaints, and fuits whatloever hereafter to be commenced, fued, profe-cuted, or awarded either by the Atturney General of his Majesty, his heirs or successors for the time being, or by any Officer or Officers whatfoever for the time being, or by any common latormer, or other person whatfoever in any of his Majesties Courts at Wellminster, for or concerning any of the offences, penalties or forfeitures aforelaid, shall be void, and of none effect, any law, cultom, or utage to the contrary thereof not-

withfranding.

4. And be it further enacted by the Authority aforesaid, that in all Informations to be exhibited, and in all bills, courts, plaints, and dedarations in any action or fuit to be commenced against any person or perfors, either by, or on the behalf of the (g) King or any other, for (g) Note, the or concerning any offence committed, or to be committed against any king expressly penal statute, the offence (b) shall be laid and alledged to have been (b) Shall be laid committed in the said County where such offence in truth was committed in the proper red, and not elsewhere. And if the Defendant to any such information, action or fair, pleadeth that he oweth nothing, or that he is not but in affirmgnilty, and the Plaintiff or Informer in such information, action or suc ance of the true upon evidence to the Jury that shall try the issue, shall not both prove institution of the upon evidence to the Jury that shall try the issue, shall not both prove Common law, the offence laid in the faid Information, action or fuit, and that the lame for vicini vicinioffence was committed in that County, then the Defendant and Defen- or fatta prafuvente Seule qualitation vanue vent for thefe Infordants shall be found not guilty.

b. ft truled where they were leaft known. This is a very beneficial claufe for every Defendant to trke hold of.

5. And be it further enacted by the Authority aforefaid, that no Officer or Minister in any () Court of Record shall receive, file, or () That is in aenter of Record any Information, bill, or plaint, count or declaration, grounded upon the faid penal statutes or any of them, which before by this Act are appointed to be heard and determined in their in the first part proper Counties, untill the Informer or Relator hath first taken a of chis Act (1) corporal oath before some of the Judges of that Court, that the offence or offences said in such information, action, fait or plaint, or must take an way of were not committed in any other County, than where his each before his was or were not committed in any other County, than where by eath before his the faid information, bill, plaint, count or declaration the fame is, be sectived, or are supposed to have been committed, and he believeth in his a beneficial conference the offence was committed (1) within a year before the clause also for the Defendant, information or full within the same County, where the laid infor- (1) Note, within mation or full was commenced, the same oath to be there entred of a year before the Record. A cebe the Darthenning ello accore Jac Regis, an elber mon and brong

Information, fuit, or action shall be brought, or exhibited against at Jac. cap. 12. any person or persons for any offence committed, or to be committed against the form of any penal law either by or on the behalf of the king or by any other, or on the behalf of the king and The reasons of any other, it shall be sawful for such Delendants so plead the ge-this clause were.

the Courts afore, specially before Justice probable, there is a set that willfull Produce and Clerks for good pleading as were in the Kings Courts at Westminster; and therefore the makers of this law provided that the Defendant might alead the tenoth is the provided that the Defendant might alead the tenoth is the provided that the Defendant might alead the tenoth is the point of pleading.

3. For avoiding of writes of Errors which each provided in respect of pleading.

4. For avoiding of Writes of Errors which each provided in respect of pleading.

M aiors

neral issue, that they are not guilty, or that they owe nothing, and to give such special matter in evidence to the Jury that shall try the fame, which matter being pleaded had been a good and sufficient matter in law, to have discharged the said Defendant or Defendants against the said information, suit, or action, and the said matter shall be then as available to him or them to all intents and purpofes, as if he or they had sufficiently pleaded, set forth, or alleadged the same matter in bar, or discharge of such information; suit, or action.

Provided alwayes that this Act or any clause contained therein shall not extend to any information, suit or action, grounded upon any law or statute made against Popish Recusants, or for, or concerning Popilh reculancy, or against those that shall not frequent the Church and hear divine service, nor to any information, suit, or action for maintenance, champerty, or buying of titles, nor to any suit, or information grounded upon the statute made in the first year of the reign of our Soveraign Lord the King, of a Sublidy granted to the King, of Tunnage, Poundage, Wool, &c., nor for, or concerning the concealing or defrauding the King his heirs or fuccelfors of any Cuftom, Tunnage, Poundage, Subfidy, Impost, or Prilage, or for transporting of gold, filver, Ordnance, Powder, thot, munition of all forts, Wool, Woolfels, or Leather, but that such offence may be laid or alleadged to be in This provide any County at the pleasure of any Informer, any thing in this Act to the referreth on y to the County, &c. contrary notwithstanding.

So as no infor-

mation, &c. grounded upon any of the statutes in this provise mentioned can be commenced, &c. in any of the Kings Courts at Westminster, but before the Justices of Affile, Justices of Nili prive, or Gaol-delivery, Justices of Oice and Terminer, or Juffices of Peace, 1009

> There was another mifchief which lay beaby upon the fruheet, whereof advantage might be taken by any Informer, which was not provided for by this Ait, viz. Others former katutes, which in respect of the alteration of times lay as thates upon the people, and at this day could not be performed. Far example: That a pure of broad cloud of the finest making, tracket grayned, or other cloth graynes, what calour toeber it be, pouls not be foll abobe the bains of 16 s. a broad part, ec. Whiteh An and many other Ans of Partiement of like nature, and other obtolete laims to a berp great number here at this Parilliament utterly repealed, and made hold. The abolic therefore the Audics of Beace (for to him me principally direct our theech, though it concern the rest of the Audices before named) ferfoully to read over that Act, where all those obsolete lame are particularly mentioned and repealed, and therefore no information, or, can the commenced, ac. upon any of them. can be commenced, oc. upon any of them.

At the fame Parliament alfo anno 21 Jac, Regis, an other goo and grofftal ble law was made concerning Auftices of peace and others, the renor inherentia tion thall be brought, or exhibited swill as it

Jac. cap. 13. The Title, An Act to enlarge and make perpetual the Act made for leafe in pleading negatiff troublesome and contentions suits professed against Justices of the Peace, Majors, Contrables, and cartain others his Majesties Officers for the lawfull execution of their office, made in the the Court ators for a gear of bis Majefties moft bappy reign, hat do the trans to the spect of

Whereas an Act intituled, an Act for ease in pleading against troublesom and contentions suits prosecuted against Justices of the Peace, Maiors

4 H. 7. cap. 8.

21 Jac. ca. 18.

21 Jac. cap. 12.

nstables and certain others his Majesties Officers vion the 7 Jackeyse 5nation of stein office and is in the sweeth posts of his later stein ded to in the stein of his part of the stein nd Ten

distributed action of Parline and be perpential readed between and an expension of memory of the parline and an expension of memory of the parline and an expension of the Churchwardens, and all persons called Sworn-men executing the fice of the Churchwardens, and all overteers of the paor, and there, which is their aid or affiliance, or by their commitment that I do any thing touching or concerning his or their office, or officely and that he extra parline are the parline and the process of the paor, and the parline are the paor, and that I do any thing touching or concerning his or their office, or officely and that he extra parline are the parline and the parline are the parline are the parline and the parline are the parline are the parline and the parline are the parline are the parline are the parline and the parline are the parline and the parline are the parline and the parline are the parline are the parline and the parline are the parl vertue of the faid AS, to all amends to the vertue of the faid AS, to all amends to the vertue of the Pec. 3s by real on or any AC the street of the Pec. 3s by real on or any AC the street of the best of the control of

And whereast individual and an antiference are not component or as performed in the circumstance of the component of the comp

falle imprisonment shall be brought after the end of the present set of each from of Parliament against any Justice of Peace, Major, or Baylist of Archaelle and City, on Town corporate, Headboxov, Portreye, Gondable, Tything Brief, man, Collector of Subsidy or Fifteens, Churchwardens, and persons called Sworn men executing the office of Ghurchwarden, or Overster of the poor, and their Deputies, or any of them, or entropies which is their aid, or affillance, or by their commandment, shall to any thing round matter, cause at thing by them oney of them done by matter, cause at thing by them oney of them done by matter. metries, caute no thing by them in any others dure by of their or any of cheir office or offices than the faid action that he had action that he had a cheir offices that he had a cheir offices that he had a cheir offices the compatible of the had a cheir of the compatible of the co e thall be laid w done and committed, & not elfewher for all and every perion, and perion done and committed & not elfewhere. And that it shall instructed the per County for all and every person, and persons attretish, to plead thereined the per County general issue, that he or they are not guilty, and to give such special To plead the matter investments so the Jusy which shall try the same, as in or by the general issue said former. Act is limited on declared. And the if upon the tryal of any such action, bill Joh said, and the Phinnshi or Plaintish, therein shall not

towns corporate,
3 Headborows,
4 Portreves.
5 Conflables,
6 Tithingmen,
7 Collectors of
Sufficient, and
Fificenths, and Made perpetual.

This Act of as Jacobi ex-tendeth to Churchwardens a All perform men, executing the office of Churchwardens.

of tall en of the Prace Signer. earl o Tibro. 8.11 5 WEST. CAL WELL To easthut tak

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the seed of the

8 R. e. im. r. The actions appropriate in the pro-per County

Chat det exten. The Plaintiff County.

2 2 13 124 7 not prove to the Jury whitle that to the famous has the firm a op or ha billy states for 6 within the aty where the brithout having the control of the c manufactured in the plants of interest in the plants of th at Jacks 18.

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4 H.7. 18b. E.4. 18. Juftices of the Peace, 8 H. 6. tap. 9. Lib 9. f. 118b. 2 H. 8. Kelw- 179. Not Juftices of Oier and Tero for meety, in

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for the peace of the Church, and Laws Cibil or Temporal for the peace of the Land, it that he bery fit to lay, as a foundation of the charge, that excellent lete stablishes by Authority of Parliament, which we have translated into Latin. Imprimis Rex vult, & exception quality Post Samplace Reclefix, & terre folide custodiatur & conservetur in omnibus, quotique futitis linguis, tam pauperibus, quam diviribus administretur, nulla habita personarum ratione.

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3 H.7. ca. 1. Lib, Int. Raft. 43

2 H. s. cap. 8. Sec 19H.7.6.13.

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bar Franchites and libertics ought to be claimed befoge Juffices in Bire, fit lib. 9. fol. 24. the cafe of the Abbat of Strata Marcella.

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2 H. s. cap. 8. See 19H.7.8.13

Vid. 4 E.4.6.31.

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Cap. 19.

remain Chen years, and first they began with Pleas of the Crown, for faith Bracton Imprimis incipere debent de Placitis Corone, in quibus terminantur actiones criminales tam majores quam minores. Int sue could not be indicated any toling, concerning the Pleas of the Crown, onte priore the last Eires for it ampeatest by Bracton, Non-erst quarendum de Placitis illis Corone quay emerferunt ante aliud interplacementum, a que coram est proposita non fuerunt. And by Fleta, Ex capitulus de veceribus Fractis Corone alias prafentavità de nondum terminatis, solet exceptio quibussaments corone alias prafentavità sindicamenta se la sindicamenta se successione de la sindicamenta se successi

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that this Committion was grounded upon an Act of Parliament is intituted Statutum quod socatur Regman de Juliciariisa fingueure, and that the Ozbinance mentioned in the Committion of Course Reguer nd that the Ozokiance mentioned in the Commission of Lagran. Ratures seing often called by the name of Ozokia te is a Ozokiance, sed non è converso. The tradition our dans have given us, the statute being

upon a subgrement given is togit of Erroz re-upon a subgrement given in a plea of land at the second of bill before Indices of Crail-tes of Compacton vio land and the second of the term per transcript of their Committion, and rain the record allo. de confeniu partium, led non affocatur. Dire extain men are made to come by whom that inquire ex office, that is, without precelle whereunte the par-abe pleaded to iffice agrie to be tried by them, the Court erreth not an Enquelt of them, and it is not found of record, that William de B. die disastent : and as to the other point, the Court spoil intend an assent white there appeareth no disastent. Fourthly, the errors assigned being no errors, the Court die teach for errors, and to assirun the indgement or to reberte it. And the Court of find in the first record which was fent, that William de B. di-cir quod in nullo est inde culpubilis, & de hoc ponit se super patriam, where John de Hodey which was plaintist oil not soyn with him, & pardicus querens **Gmiliter**

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cost came in talchout tourrant, and the first record certified; but for that, that record came in talchout tourrant, and the first record certified is the record in late, thereupon the former indgement was reversed. Fifthly, that no error was affigued, that the Audices of Registration but a subject of dirror brought upon their Audicement, believely, and by all the content of this case their introduction was afficused, the Audices of the Innua Broad belong, as is aforesing, a Craniferipe of their Commission. Will there has a residuant of death, and hallance, but Appeals of telong were excepted in the full statute. similiter, which forming was in the ferend record certified; but for that, that re-

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Also be it enacted by the airthoury aforeshid, that the frid Artorney, Receiver General, and Androus Shall diligently from time to sime attend months laid Maffer in the trid Court for the hearing and order ting of matters and cause in the lame Court for the time of over Terms Surveyour is ad- in the year utually kept for the law at Weltm, and procure with all di-ded, and to take the ligence, that all routs, ferms, profits, calualties, improvements, and the before the conference of the Wards marriages, ideous, and all Manors, Lands, I encurents, and Hereditaments being in the furvey and covernment of the faid Court, thall be cruly and juffly paid, an antwered to the raid Receiver General of the laid Court to the use of the Kings Highneffe without concealing any pair thereof. And first 2 to caute and procure Procede to be made against such as shall be indebted

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14 E. C. The flature of 32 H.S. cap.46. C.T. PAIL SOME of the Kingos Wards. A Court of Re-By the facute of 33 H 8. cap. 12 e office of the Liveries is annes

See the firft part of the Infliences. All Wards Manors, Lands

In the order, furvey, &c.

Proces .

Dutchy Cham- O

In any wife touching or concerning, &c.

Debt

Arrend.

By the faid A&

Ordaneth maketh eliablifieth, and crecieth a certain Court del to be

it enected by authority allowed, that all Wards which the horde now is, or hereafter thall be intituled to have, with one, Lands, Tenuments, Rents, Remainders, Reversions, and all other Hereditaments what foever they be, as well in as reversion, and all Revenues, Issues, and Profits of the same, from, shall be in the order, furvey, and governance of the ours, and the Ministers

A B is declared and limited.

Also that the said Master of the Wards for the time being, shall have nower and authority to award under the Seal to be appointed to the Court in the Kings name such Proces and Precepts with reasonable to be therein limited, as be now commonly used in the Kings art of the Dutchy Chamber of Langafter being at Westin, against 17 person or persons whatsoever thereby, for and contenting the in-Denchy Chamber of Laneafter being at the persons whatthever the ke, for end come title of the Kings Malady, his Heirs and title of the Kings Malady, his Heirs rt of the Dutchy Chamber of L y person or persons whatbever it it, right and title of the Kings N is oblice any Wards, Lands, To rices, or other came many will to Residence of the Reside ointed by the order of the faid Cours behalf of our faid Severaign Lord the King, or to or for any debt, ifing and growing by occasion of the fame.

Also be at enacted by the authority aforesaid, that the said Actorney, Receiver General, and Auditors shall diligently from time to time at-

tend upon the Gid Mafter in the faid Court for the hearing and o of matters and causes in the same Court for the time of four Terms to year usually kept for the law at Westm, and procure with all dided, and to take ligence, that all rents, forms, profits, cafualties, improvements, and place before the Attorney.

Attorney.

Attorney.

Lands, Tenements, and Hereditaments being in the furvey and governance of the laid Court, shall be truly and justly paid, and answered to the faid Receiver General of the faid Court to the use of the Kings Highneffe without concealing any part thereof. And shall also cause and procure Processe to be made against such as shall be indebted

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Indebted

Capass. The Cours of Wards and Liveries.

to the Kings Highaelle and their furcties of and for any part thereof, from time to time as the time and rafe shall require without any delay.

Also be it entitled by the authority aforesaid withat all manner of Prot No Proces our centified shall be made out of the Kings Exchequer to or against any pentiquer for or cons for De per loss louday Ferre, Rents, Mues, or profits concerning the cerning my premiles er any part thereof corrany other thing limited in this Act to Ward, &c. be in the survey order, and governance of the said Court, and the ministers chereof shall be clearly yold and of good effect to all intents and eign is given to the Chancellor of the Dogueq

Also be it enacted by the authority aforesaid that the said Master by the advice of the faid Attorney Receiver General, and Auditors, or three of them, whereof the faid Mafter to be one of them, shall have authority by this Act to survey all the Kings Widows, and to treat, Widowes. commune, and canclude as well with all and every of the Kings Win dows that now be, or hereafter hall be, and that have married themfelves without the Kings license; for that hereafter shall happen to marry themselves without the Kings license, for their reasonable fines to be made to the Kings wie, and to tax and affelle the same by their difcretion according to the statuto of Prarogative Regis: the same fines to be paid to the Receiver General of the Wards lands, as the same may. to be taken, to be finished and ended . Inwoods zirt ni ylrent asoqqa

Also be it enacted by the authority aforesaid, that the said Master by the advice of the faid Attorney, Receiver General and Auditors, or .. three of shem, shall have authority by this Act to survey, govern and order all and fingular Incors and natural Fools now being in the Kings Ideots: hands or that hereafter shall come and be in the Kings hands. And Natural Fools alfo to furvey and order all the Manors, Lands, Tenements, and other Hereditaments whatfoever, now being in the Kings hands, or in the handsnot any other person or persons to their uses, or to the use of any of them, behat hereafter shall, come and be in the Kings hands, his Heirs, and Successfors in the right of any of them by reason of his Graces prerogative Royal And also by the advice of the said 'Attorny, Receiver) General, and Auditors, or three, or two of them, to let and fer, the Toler and fer, Manors, Lands, and Tomements to the Kings nie for the time of the Kings interest for such rent and fine, as by their discretion shall be thought convenient; the finding and keeping of the said persons their Wives and Children and the reparations of their honfes; and lands alwayes to be considered in the doing thereof, the same sents and fines referred to the Kings Grace to be paid alwayes to the hands of the Receiver General of the Wards lands for the time being, as the fame, may appear in his account and be recorded in the Court of Wards.

And also be it enacted by the authority aforesaid, that the said Master; for the time being shall have power and authority to take Recognisances of all and every person and persons that shall be called into the Called by Pro-Court of Wards and Liveries to answer to any matter alledged against celle. chemoin the said Court, to make their daily appearance in the said Court, to answer to such matters as to them then and there from time to time shall be alledged. And that all such Recognisances of what fumme soever they be, shall be as good and effectuall in the law to all intents and purpoles, as Recognifances taken in the Kings High Court

To moderate Recognitations

of Chancery 1 of elfewhere before any Judge of Record within this Realm. And that the faid Mange for the time being with the advice of the Convergent fuel member of the fine as then that be present Afo they they be togo before the faid to ster I field have side power had any rhority to moderate fuch Recognificances de betor shall be othere for feited. and to fet fines for the famo to the Kings wie under the funames comen ned in the faid Recognishness, the faid fines so belevied by like Proces of som villary to byothe Matute made in the la added of one Sore raign Lord the Kings reign is given to the Chancellor of the Court of Angmentations of the Revenues of his Graces Crown And that the faid Wafter for the time being with the advice slorefaid finall have power land authority to ediminie to ward any perfolis or iperious stor his secher difosectioned contempt of or other offence made, on the made comble within whe Kings Court of the Would and Liveries mana upon the fald matters ordered or decreed there, to deliver them from prison, and to leancet and make void an Recognitances and Obligations taken of hereafter to be taken in the fame Court to the Kings are when and as often as the faid Mafter, with the advice of the faid Court of three of them , half fee and perceive the matters and causes, for the which and fach Recognitances or Obligations harm or hereafter fiall happen to be taken, to be finished and ended, and the Kings Grace his Helis and Successors, or the party thereupon latisfied without any oby the advice of the faid Attorney, Receiver General eds topotagnew reds

The Anthority of the Courts of Exchequer, Wards and Dutchy.
A Clause of the Statute of 33 H.
2 cap. 39.
Affigued:

And also that have full power and gethority to hear and determine all and all manner of Debis, Detinues, Trespusses, Accounts, Reckonings, Walts, Deceipts, Negligences Defaults, Concempts, Complaints, Riots, Quarrels, Suits, Striles, Controverlies, Porfeitures, Offences, and other things whatfoever they shall be which shall hereafter grow, be moved, thirted, procured, purfued, or arise in for. or upon any matter, cause, or other thing affigned, committed, or appointed to the leveral directions, orders, and governances of the fame Courts, or any of them, or for or upon any manner of things or things which may or shall couch or in any wife concern the same, wherein the King thall be only party. And also all manner of flates for tearing of years between party and party concerning the premiles, and to correck and punish by their differences all and every person and persons which before them shall be convicted of any of the premises according to the nature, quality, of quantity of his or their offence or offences; canfe or canfes, matter, or matters (all and all manner of Treafons, Murders, Felonies, Blates, Rights, Titles, and interests as well of inheritance as freehold, other then joynaures for tearm of life, only excepted and alwayes foreprifed, bislorefa valority and seyewis bus for the time being fhall have power and authority to take Recognina-

who write top

Abe first contains the things, Line, Line, and Caute, And in an there them Polydor, and fueb as follow him, to erre : Irog Polydor faith that Henricus 3. Anno Domini 1219. qui avitum regnum civili bello, as diffentionibus Polydor i.b. to. valtatum, opibus (poliatum, atque prope confectum paulo ante adeptus erat, cum rei domestica inopia pressus, non posset sine auxilio suorum, Afiaticum bellum juvare, mitamque regiam decenter degere, printipes foluto prins tributo, pro co bello gerendo postea excogitato novo vectigalis genere, ne regem faum cainopla levarent, a ultro concesserunt, at quoties quifpiam corum, qui posses babe- Excogicato o vo rent b quarum Rex esset Dominus, ante moreretur quam lebers ques fecisset ha- vect galsgenere redes vigesimum alterum agerent annum, tum catenus tam ipse hares quam pas serunt. trimonium in potestate atque tutela regis foret, & ille patrimonis hu almoss de Dominus proventus caperet, quoad hares ad eam atatem perveniret: quis apud Amolos more majorum pervetufto confero andarum facultatum canfa, filius mas nate grandier fit folus haves, vel fine fi mares liberi nulli fint. Peit Rex eratias omnibus generatim pro munere, ac ut ne id humanitatis in obliviouem iret, deinceps iffin modi nobilium heredum tutelas ut rem fibi valde utilem accuratissime suscepit. Sed illud beneficium nequaquam ipsi nobilitati postremo bono fuit, quando cateri reges qui fecute funt, nen bubita retione, quod à principibus olim in Henricum duntaxat collocatum fuiffet, at qui pauper effet decentius personame regiam per itlud faftineret, fibilettam perpetuatum volueram. Quid qued itares cura emnibus fuit, ut non modo reces, fed reliqui lecorum domini in hareditates nobilium defunctorum codem modo invalerint, id quad etiam nunc fit, et lege certa observatur. Unam iftud institutum est tandem alignando corrigendum, quippe quad quantum uni vel alteri commodi, tantum aliss incommodi affert : [ane sta win wenit, ut populorum quibus hareditates meniunt tutela (apà à locarum dominis ud tempus ficut dichum uft; illerum tutoribus per auctionem vendamur, que fit fatto lacro, ab en edatandorum puereralm cura vacui fint, et qui emunt, émunt autem tam nobiles, quam homines novis si modo plus dederint; en prafertim de canfa redimant, ut pupillos nobilium fais liberis matrimonio conjungant. Idque sapissime faciunt, antequam illi pubefednt, quo fimul vivendo, cum pinium per atatem liceat, argente voluptatum titillatione invicem commisceantur, ut ne postea, cum adoleverint, jam mutai polluti nuptias repudiare queant, qui fie fefe ab incunte etate libidinibus dedecorantes interdum non homines; (ed ob virium infirmitatem plane homunciones gignunt à mujeribus degenerantes. Atqui nobilitas cum primis eo damnum facit longe ingentissimum quod homines bumili loco nati per ejusmodi consulta fanguinem rum en forient, comaminemque in dier finoutes vins weraff an eemus y et aupille spfi a finn manum per empetonem cropte para le tectamo bemellies in abient dome in frienancies di Orte un debetebene has utten tradepar ute ina mune tacere liber rifterum enthe religionalme entre allementes internatierexistis cum more acaremy et uliquando concernolinorarem inibites fanishi. verious plebeid copulati perrupa unter fe houses! "Foundres es ilhid, quinnime patrimunia nobilium ; caufu dajufer entetu livercinar d novre poffe sorrbint; que fuis woure campanditations for overtes peous omne non mode condent; fed deglubum egregie. Atque hoc est principum enums, qued revits opes minime adauxit. in and haded flag, man god amost to deet adan E

herein Polydor hath erred in all thee. For first, where he affirmeth for the time, that this Novum vectigalis genus was excogitatum, and granted to ming Henry the third Anno Domini 1219. Which was in the thire pear of his reign, Glanvil who wrote in the reign of H. 2. treateth of Marofpips due to the Ring Lib. 7. eap. 9, 10.

Manh Jeri 1: 307

Tool

And Ockham who wrote tempore H. 2. treat-Wardships and Liveries.

March. Paris, pag. 346.

and other Logos : to the King in thele mogos. Notandum tamen quod fi quis in capite teneredebet, tunc ejus cultodia ad dominum regem plene pertiner, five alios dominos habere debeat five non, quia dominus rex nullum poteft habere parem , multo minus feniorem, &c. And be treateth ubi fupra of mary. fbips then one, (which holdeth law till this day) and speaketh nothing of the be-

ginning of them.

ming John in the leventienth pear of his reign made a great Charter, and granted Concilio Baronum, quod cuftos terra haredis qui infra atatem fuer non capiat de terra haredis nisi rationabiles exitus, & rationabiles consuerudines, & rationabilia fervitia, & hac fine deftructione & vafto hominum vel rerum. Et fi nos commiferimus custodiam alicui talis terra vicecomiti vel alicui alii, qui de exicibus terra illius nobis debent respondere, & ille destructionem de custodia fecerit vel vaftum, nos ab illo capiemus emendam, & terra committatur duobus legalibus & discretis hominibus de feudo illo, qui similiter nobis respondeant, sicut prædictum eft. Cuftos autem quamdiu cuftodiam terra habuerit, fuftenter domos, parcos, vivaria, stagna, molendina, & catera ad illam terram pertinentia de exitibus terræ ejuldem. Et reddat hæredi, cum ad plenam ætatem pervenerit. terram fuam totam inflauratam de carucis, & omnibus aliis rebus, ad minus fecundum quod illa recepit.

2. Where Polydor faith, Ultro concefferunt ut quoties, &c. be affirmeth that it came from the grant of the lubjed to the Bing. The truth is, that all Tenures by Anighes fervice, which fince the Conquest deatheth ward and mariage (for retief was due befoze) were either created and referbed by the ming, or befoze of 18 E.t. Quia emprores terrarum by the lubiens of the Mcalm. If by the Ming. it is either of the perfon of the Ring, ut de corona, twhich the call in Capire, og of some Ponour og Panoz. If by a subject, either of his person og of an Bonog og Panoz. And all these tenures have ban created according to this rule, Cu jus eit dare, ejus est disponere. And all the lands in England originally moved from

the ming, and are holden of him mediately of thimediately.

3. De utterly millaketh the end of the creation of thele Tenures by Muichts ferbice, which were originally creaced for the befence of the Meatin by bis often fubjeds, which is more fafe, than to truft to foreiners. But hereof pan map read at large in Littleton Sed. 95,96. & 103. & Li. Rub. Mavult enim princeps do-

mesticos, quam stipendiarios bellicis apponere casibus.

This Tenure which now is called Eschage, of Servicium Scuti, was of ancient time named expeditio hominum cum feutis, as you may read in the Charter of Ring Kenulphus, the Anno domini 821 & regni fui 25 grantes to the Abbot of Abbandon many Panozs and lands, and referbed quod expedicionem duodecim virorum cum tantis fcutis exerceant, antiquos pontes, & arces reno. vent, &c. Of all other fervices and Charges be and bis ficceffors were bife

In nomine excelf Tonantis, cujus nutu et miseratione à pio patre praditue, ego Ethelred Rex totine Infule cum confensu et licentia Optimatum meorum aliorumque mecrum fidelium dabo, et libents animo concedo Clofic quandam ruris particulam, hor est, 20 mansos in loco quem ruricola pocitant at yceancun in hareditatem perpetuam, et semper liber permaneat notis et ignetis, mag-Verb. Chivaler, mis et modicis, ad babend et tradend qualicunque voluerit relinquat ab omni tributo et "fervicio regali, nifi confirmatione pontis, et arcis adificatione, et hoftium expeditione. Altum eft autem hoc mez concesionis donum Anno Dominica Incarnationis 1001, &c. with the sale and A

> In the Book of Domelbay you hall finde it thus recorded. Episcopus Baioc'.

Ille qui tenet de Wodardo reddit ei gos. & fervicium unius militis, and in bis vers other places. And in Dometoap mention is often made of Drenches o; Drenges, which is as much to lap as Tenentes per fervicium militare.

r part of the In-Airutes, Sed. 103

Polydor faith, that this Novum vestigalis genus was granted to the King. fit. fect. I.

Britton fo. 161.b Lib. Rub.

The Charter of King Kennlfus Anno Dom.831 The like Charter of King Etheired to a Knight called Athelweg, Anno chargen.

Dom. 995 The Charter of King Erbetred. TOOI. Bracon lib. 3. fo.36,37, &c. I part of the In-Caftic. Comming of enemies.

Ditone. Regift. fo. 2. Domefday tit. Ceftrefc.

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Brackon lib. s. Hot finium.

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* Capie. Icineris

* De Elebectoribus et Aubelonactoribus un feisine dimorgi regis fasici
inver-Mag. Car.

157, 158.

Brack.l. 2. 116 b. Bedien fibs. commisses per depunsum regent quantom et de quibés, et Ustum of Actualisator in parcia, parcia, parcia, de marcini, ca aqua fodica file, encomfar de consume regime, desantement e parter, el aqua fodica file, encomfar de consume regime, desantement, e parter, el aqua fodica file, encomfar de consumeror estador de conforma de marcini de conforma de marcini de conforma de marcini de conforma de co Flera I, 1.ca.20 pucclassings of a second marisagiame pre lessa procision, seve per espectamentame salitation del marisagiame pre lessa procision, seve per espectamentame salitation despetamentes presentes de les responsables de per processor de la marisagiame de les responsables de les

Capit Blose-

the chake attean-

Primo et principaliter inquiratur de feodis militum, et advocationibus Ecclesiarum ad dominum regem pertinentibus, viz. quot sunt, et que sunt tenementa, et quantitas tenura, et per qua servicia. Item

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ton fi dispute considerate describe regi deletare les establicas de la considerate describe de la considerate del la considerate de la considerate del la considerate de la considerate del la conside

buja (modi beredam ingresjam jaerat jang anthoritate cursa, et abjen legetim buja (modi beredam ingresjam jaerat jang anthoritate cursa, et abjen legetim (in modam et elegetim et abjen et abjen at abjen et di bendam et abjen et abjen

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Rot.Par. 18 E. 1 fo. 4. mil. 5 2. Note the torn of this tenue.

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4H.7.ca.17. de general law.
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Rot. Par. 18 E.1 fo. 4. mu. 52. Note the form of this tenure.

14 E. 4. ca. 13. fat. I.

Rot. Par. 1 R. 2. 10.79. Rot. Par. 50 E.3. nu. 118. "Ro. Par. 33 E.4 mu. 16. nor in

Ibidem. nu.17.

4 H.7.ca. 17. A ocral law. Note the feveral pennings of these two several Acts.

Dier 1 & 2 El. fo. 174 b.

Kylway 7 H. S. Conisby and Throckmorton for the heir of Ruffel.

Lib.4.fo. 55.&c. Vid.a.E.6. ca.8. Li. 7. fo. 45. Li.8.168, 169. See the a part of the Inft. Cap. the flarute of 2 8.6, cap. 8. See 50 E.3. nu. 184. See hereafter r H 8.cap. 12. This Proclama-

See the faute of 1 H.8 ca, 12, in ratifying hereof, When the spice of a significant price with a best her broken The last of the paper of the paper of the last of the

1 24 E. 3. if the beir of the Minga cenant in Chief, oc. bes by access between the Chancellor and to, accept the letter be good and and to question the second and the secon

eries to be granten out of the Chancers for the accompanies of the Affairney of the Butche. Appointed thus the Logo of Cefts qui ale, as will of a Milit of right of many for the soop one land and the part of the state of the st

of him to Mich. a do's Eliza ophics, han see in the Court. ice, it tale th PARTY IN THE BOY DIES and of falls tolks sable full had not to le

is in the Fourth book of our Reports which had been called senting a falle office, found the last had being. This was a case of falled being a falled to be thinks (river and minimulations liftice) who wanting treast and followings (as that appear be reafter) to be found, the parties grained heart across to bate their itsilette Months to be found, the parties grained heart heart he for the lifting time is a configuration with great memorie of configurate among to cher things reported, and has in their make.

And that none of his labjects are make no doubt nor difficulty in all causes leefull to make traveries, for his highineste will expressly, and fraightly chargeth, and commandeth his Chancelour and Treasurer that they not onely admit such traveries, but also grant the ferms, where the calls shall require, according to the true course of his laws.

Determine the laws are also be the true course of his laws.

The Court of Wards and Liveries. Cap. 35.

Bereupon many men were admitted to their trabertes, and many on the other fibe were without remedy ; for by the practice of Emplon and Dudley, many were not oneig benged to traverte, but inforced upon fuch falle Off ces to fue out their general Biveries, whereby they were concluded, and could not by Law he admitted to their traberfe.

ming H. & in the first year of his reign intending to give remedy against fecret : H. 8. cap. 8. Offices, both by At of Parliament provide, " That every Escheator and Com. 3 H. S. cap. s. Milioner thall fit in convenient and open places, according to the Statute bereto- 34 E.3.cap. 13: fore made; and that the faid Escheators and Commissioners shall suffer every 13 H.6. 17.
person to give evidence openly in their presence, to such saquests as shall be ta- *By the procure-

ken before any of them, upon pain of xl. li,

And by the Preamble and other parts of this act of I H. 8. the finifer and un- and Dudley offi-And by the Preamble and other parts of this an of 1 H. S. the untuet and unpourtraged out, whereby the Bings Subjeds then of late bad ben foge burt, trou- and men were bled, and togonged, and fome bilberited by Rine niber mapes. 1. In caufing denied to give in untrue Offices to be found. 2. In returning of Offices that never were found. evidence for antrue Difices to be tound. 2. In returning or whites that mere tound.
3. In changing of the Difices that were truly found. 4. That Escheators and rights and te-Commiffioners were men et no libelibood, but indigent and unbogtby perfaus, nures. ready to ferbe turnes, and having nothing to lefe, of to make fatisfaction to the a See before ca. party griebed. 5. That Jurogs were returned for the finding of Diffices of no Of the high hability, as behaviour. 6. That the Escheatog of Commissioner, when the Jury Cours of Parwere agreed of their verdid, would not receive the fame, but therein use delares. 7. That the Clerk of the Petit Bag, oc. would refule to receive, and file fush inquisitions as were found and offered to them. 8. The like of the Officer in the Grebequer, of Dices returnable into the Erchequer. 9. The Clerk of the Wetit Bag would refule to transcribe the Offices, ge. into the Erchequer. For all which, and the other the befoze named, remedy is probided by this Ad, as by the fame appeareth. At the fame Parkament for the redrelle of parties griebed fre fuing out of Liberies, another act is made, entituled, An Act concerning I H. s cap. 12. untrue inquifitions procured by Empfon and Dudley, in these words.

Shewen to your discreet wisdomes, that where divers and many untrue Inquifitions by the procurement of Richard Emplon Knight, and Edmund Dudley, have been had and taken within this Realm, as well before Commissioners assigned by Letters Patents of the late King, King H. 7. as before his Escheators, as well by vertue of Writs of the faid late King, as by vertue of their office, by the which Inquisitions, sometime parcell of the said Lands contained in the said Inquisitions, and sometime the whole Lands there sounden holden of the said late King in Capite, where in troth the faid Lands contained in the faid Inquifitions, nor no parcell of them was holden of the faid late King in Capite, ne of any his Progenitors: To the which Inquifitions
the parties then grieved by the fame, could not, nor might not take their
traverse to the same according to the Law of the Land, but were infored of a general ced and constrained to sue their * Livery of the same out of the hands of Livery.

the said late King, whereby they were, and be a concluded to say, that General Livery the faid Lands be holden of the King in Chief, to their great loffe and concludeth hindrance, where in truth they were not holden of the faid late King, ne refolved by the of any his Progenitors. Wherefore be it enacted, ordained and efta- two Chief Justi-

Baron, and the Court of Wards, in Holmes Cale. 1 That the luing of a general Livery concludes the heir, as here is appearen by this Act of Parliament, but otherwife it is of a special Livery, for that, as to the tenure, is but, at dicture.

2. That this conclusion or Estoppel continues bur during she life of the heir that such the General Livery; for Jutors are sworn at veritatem dicend, and are not bound by Estoppels. 3. That by suing of Livery, and the death of the heir, the office is executed, and both his full effect, and therefore the Estoppel expireth therewith, and after the office cannot be traversed. Vide 46 E. 3. so. 12. 44 Ass. 25. Note distant members liketen. Stantism de 201, 40. 14. 4. 5. 3; H. 6. sol. 7. per Laison. Observe well the remedies provided by this particular Act, &cc. whereby the Common Law is affirmed. ces & the Chief

.9 .983 4 463

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blished by the King our Soveraign Lord, the Lords spiritual and temporal, and by the Commons in this prefent Parliament affembled, and by the authority of the same, that every person and persons having possession of the faid Lands contained in the fame Inquisitions, or any part thereof, may be admitted to have their traverse to the said untrue Inquisitions, notwithstanding any Livery sued in the time of the said late King, King H. 7. And that it be further enacted by the same Authority, that any Livery fued of the same in the time of the faid late King, ne any thing contained in the same Livery, be any conclusion after the course of the Common Law, or in any wife hurtfull or prejudicial to any person or persons, that shall happen to tend their traverse to the said Office, but that they and every of them shall be admitted to their traverse to the said Inquisitions, and to have like advantage in the Law, as though no Livery had been fued of the same in the time of the said late King, and this at the reverence of God, and in the way of charity, &c. Provided alway, that they, or any of them which shall tend their traverse to any of the said Inquifitions in any manner and form as is aforefaid, shall not be restored to any mean issues or profits of Lands and Tenements comprised in the said

See the firft part the High Court of Parliament.

F141.5

Dow touching Liveries which in those papes were general, what a world of of the Inflintes troubles the fubjects fuffered for miffing of Livery in respect of precented omit-Sect. 441. See fions, and the like, what charging the Subjects with values not found by any Diffice, noz appearing by any Melius inquirendum with mean rates where none were, or for longer time, than they were oue, and the like! and thele not recoveres by course of Law, but lending for the parties by Burlevants, and by their awfull countenance murt with menaces and threats, oze to them to compositions: Bubich, and other like oppressions and injustice, filled ling H. 7. Cofers; for by the Clole Boll in Anno 3. H. 8. it appeareth, that the King left in his Colers Fifty and three hundred thouland points, molt part in forein Coin, which in those dayes was not of least value. Pottoithstanding King H. 8. at his Parliament holden in Anno 3. of his feign, Cop. 7. moved for a Dublibit, and was deniet it; whereupon an An bas made for taking out of general Pardens, as a mican to bring money to the lange But I perstoade my left the Meaner will anquire what became af their two wicken men, Emplon and Dudley. The aufmit is, that first they were teverally indices as followeth.

4 H. 8. cap. 7.

Furatores prefentant quod Richardus Empfon nuper de London Miles, nuper Consiliarine excellentissimi Principis Henrici unper Regis Anglia Septami, 10 die Maii, anno regni dicti nuper Regis vicesimo, ac diversis vicilus antes & poften and London &c. Deum pra ocula non habens, fed ut filine diabolicus imaginans honorem, dignitatem, & proferitatem dicti nuper Regis , & properstatem regni fai Anglia minime valere, fed at ipfe magis lingalares favores dicti nuper Regis adhibere * unde magnatem fieri potuifet, & totum regnum Anglia secundum ejus voluntatem gubernare, falfo, deceptivo, & praditorie legem Anglia Inbuertens , (inter alia) idem Richardus dichis die & anno apud London in Parochia & Ward prad &c. diversas falfas Inquisitiones, et Officia de intrusionibus et alienationibus, de maneriis, terris, et tenementis, diversis ligeis ipsius nuper Regis inveniri procuravit et excitavit, quod ipsi maneria, terras et tenementa in Inquisitionibus illis specificat' de domino Rege in Capite vel aliter tenerent, cam ita non fuit, ac postea cum dicti liges dicti nuper Regis ad Inquisitiones illas sic fact' traversias in Curia ipfins nuper Regis secundum legem Anglia tendere & allegare volniffent, tidem ligei ad traverfins illas admitti non potuissent, sed fe debitis et legitimis

-harman * Ambitio.

Proditorie legem Angliz Falfas Inquifitiones &Officia, Brc.

Ad traverfias admitti non poeniffent,

sett to die.

Levitimis transfeis att officia predicts faciond aufodivit & visite devien quo slave iph cum dicto Ricardo divertas en magnas et importabiles fines et y a dempriones, sam pro commode apfine miper Regis quam profingulari commade. Pro fingulari iplius Ricardi fecer, in magnam depauperationem corundum ligeorum. Et quod commodo iplius pradictus Ricardus diet, die G anno in Parachia & Warda pradict, ac divier- Rica di. As vicions anten & postea, diversos ligeos diet. nuper Regis de dicto domino Rege diver a maperia, terras & tenementa per fervis, Milit tenent. O' mori. anteceffor fus splis infra atatem exiftent es incuftodea diet mover Revis rate ne tennra [na, cum ad atates legitimas pervenerunt, & debitam liberationem maneriorum, terrarum, & tenementorum fnorum (coundam formam es legem Anglia, ac fecundum curfum Cancellaria spfius muper Regis profequi voluif- Addebitam libefent, ad boc recept non potuifent, fed ad hoe faciend. totaliser negat, et excluf rationem admirfuerunt, quou que ipfi cum praditt. Ricardo diverfus magnus et importabiles ti non potuificat. fines et redemptiones, tam pro commede ipfins Regis, quam pro commedo ipfins Ricardi fecer. in magnam depauperationem corundem ligeorum eju dem nuper The refidue of Regis. (And the conclusion of the Indictment is.) Per qued plures et die the indictment versi populi dici nuper Regis hiis gravaminibus et injustis extortionibus mul- concerning other riplicitur torquebantur, in tantum quod populi disti noper Regis versus ip- pressione & griefum Regem multipliciter murmurabant, et malignabant in magnum periculum thy to be read, ipfins nuper Regis veeni fui Anglia, ac subversionem legum et consuctudinum bit concern not ejufdem regni.

Though the matter in

True it is, that in this Indiament [proditorie] was uled but for aggrabation, Quorum veftigiand as a preparative to greater offences, for in the fame pear they were both in is qui infiltun, bided of high Treason both by the Common Law, and Act of Parliament, and in corum exitum the a year of H. 8. they lost both their beads. And albeit in conte respect the Perborrescant. Speciall Livery is for the benefit of the heir, pet the fees and charges are so great and the Bonds and Covenants, ac. to many, to intricate, and pangerous, as it were worthy to be revielled, for the eale and quiet of the fatherlette, and widow, (being no benefit to the thing, but to fill the purles of Clethe and Dfickis) by authority of Parliament; and the rather, for that speciall Liveries were of ane tient time, as thost as the charges thereof; whereof you may read a notable mes fibent, when Warothins and Liveries were in their Craples, which followeth in these words.

Ricardus Dei gratia Rex Auglie , Dux Normania , Aquitania, Comes Vide in the hifto-Andegavia, Archiepiscopis, Episcopis, Abbatibus, Comitibus, Baronibus, ry of Hovenden, Fusticiariis, Vicecomitibus, et omnibus Baltivis, et sidelibus suis, ad quos p.446.2 R.T. prasens Charta pervenerit, Salutem. Sciutis nos consessis, et presenti is a sure word in Charta nostra constrmasse dilecto et sideli nostro galfrido silo Petri, et Bea- and will answer tricia de Sayeo axori ejus, tanquam justo et propinguiori baredi, totam terram to a Livery. Comitis Willielmi de Mandevile, qua et jure hareditaria pertinebat, cum somition fre sure pertinebat, cum somitius pertinentiis, et sibertatibus, et liberis consucuainibus suis. Quare ter Chief sullice volumus, et sirmiter pracipimus quod predicti Galfridus et Beatrix uxer et Enerand. volumus, et sirmiter pracipimus quod predicti Galfridus et Beatrix uxor of England. Jua, et haredes corum habeant et teneant de nobis et haredibus nostris totam Mandevile was pradictam terram cum pertinentiis (uis, ficut pradictus Comes Willielmus de Earlof Effer: Mandevile cam melius, et liberius, et honorificentius, et integnus, et quietius habuit unquam et possedit, in bosco, et plane, viis, semites, pratis. pascuie, pasturis, aquis, vivariis, stagnis, piscariis, molendinis, turbariis, in advocationibus Ecclefiarum, in custodiis valectorum, et donationibus puellarum, et in omnibus aliis locis et aliis rebus. Hiis testibus waltero Rothomagensi Archiepiscopo, Johanne Eboracensi Episcopo, Rogero de Pratellis Dapi-

fero noftro, Richardo de Kampile, Bertrano de Verduno, Radulpho filio Gadefres di Camerario noftro, Datum permunum Magistui R: mali catuli Clerici mafire Anno regni noftri fecundo, Exilj. die Fannarii apud Meffanam.

Dom are me arrived at the laib Met of Barliament in Anno 32 H. 8. wherein, and in the Scattle of 39 H. S. herives the exposizion of the severall Werts, we

will observe what alterations these two Ads have made.

Ordaineth, maketh, elfablisheth, and erectesh a Court, &c.) Herein theer things are to be observed. 1 That this new Court could not be c 2. That when a new Court is erecteb, it reden without an Ad of Parliament, is necessary that the jurisdiction and authority of the Court be certainly set down. 3. What the Court can have no other jurifoidion, then is expelled in the executive ou, for this new Court cannot preferibe.

Pasch. 6. Ja.the Bishop of Salif buries cafe.

Pifch, 6. Ja: the cafe between the thing and the Million of Salisbury, referred to the two Chief Juffices and chief Baron, by the Loads of the honorable Order of the Barber, was this. King E. 4. by his Letters Patents in French, bears ing date 10 Octobris. An. 15. of his reign, reciting, that where there was no Office of the Chancellos of the Garter, that there thous be such an Office of the Chancellor of the Garter, and that none hould have it but the Bishop of Salisbury for the time being : Wie will and ordain, that Richard Beuchampe, now Biffing of Salisbury, thouse have it for his life, and after his vecente, that his Succellors should have it to ever. And amongst vivers other points it was resolved unanimoully, that this grant was boid, for that a new Office was erented, and it was not befined what jurilbietion or authority the Officer fould have, and therefore for the incertainty it was void. Withich being reported to the Lords, they were well latisfied therewith, and thereupon the Office was granted to Sir John Herbert the Bings Secretary.

A Court of Record, 7 Withere it is to be noted, that albeit the proceeding in this Court be in English, pet it is a Court of Record by expresse wards

And shall have also a Seal, &c.] This is also necessary to a Court.

That all Wards, &c.] This Claufe extendeth as well to the Counties Balatines of Lancatter, Chefter, and Durefme, as to any other the parts of the Realm of England, but in severall manners. For as to the Wards within the V.Rot. Par. 9 R. Realm of England (out of the said Counties Palatines) the Whit for the finding of the Office, ac. illueth out of the Chancery of England, returnable in the Chans cery of England. And as to the Wards in the Counties Palatines of Lancaster and Durelme, the Writ likewife iffueth out of the Chancery of England, but is what right the and Durelme, the Afric like wife thueth out of the Chancery of England, but is Duke of Lanca- returnable into the Chancery respectively of these two Counties Palatine, and the Chancelloss thereof are to transcript them into the Court of Wards.

* But for Wards in the County Palatine of Chefter, no writ issueth out of The of Lathon the Chancery of England, but it ought to be found by force of a Wirit of Com-Whom Sir John million out of the Chancery there in the Erchequer, and transripted by the Stanly had mar- Chamberlain of that County Palatine into the Court of Maros. b Nos dum haried, for the ma- redes in cuftodia noftra existunt, indemnes & fine exharedatione conservare te-

nemur.

And by this Claufe of this Act of 32 H. 8. the power that the Lozd Chancele

County Palatin. los and Trealurer had for letting of Wards lands. Ac. is taken away. V.26 H.8.9.b. By the ftatute of 18 El. it is enacted. That all inquificions & offices By the statute of 18 El. it is enacted, That all inquisitions & offices to be found before any Escheator or Commissioners, by vertue of any Writ or Commission, or otherwise within the faid County Palatines of the faid Dutchy of Lanc', Chefler, and Duresme, or any of them, shall be returned by the said Escheators or Commissioners within one month next after the taking of any such Office or Inquificion into fuch place or places, and to fuch office and offices, as heretofore they have usually been accustomed to be certified and returned into, upon pain d 18 Elia, cap. 13 to forfeit for every default xl. li. to the use of our faid Soverain Lady, her heirs

2.nu.13.the re-Solution of allthe Judges of Eng. fter had to the Wardship of Isa-bel the Heir of nor of Lathom holden of him in chief as of his a 14 Eliz. Dier. 303. 6 Mich. 26 E.I. coram Rege. Buck. Will de Ludares cafe. c 8 H.6.cap. 16.

See mag C.

satur baiefine

I et all sto T

* Pracegally:

1,900 000

heir.

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and fuccessors. And that the Clerk of the faid Dutchy of Lanc', the Vicechamberlain of the faid Earldome of Chefter, and the Chancellor of the faid County Palatine of the faid Bishoprick of Duresme, or other the said Officers or Minifters within the faid Counties Palatines, or their Deputy or Deputies, and every of them for the time being having authority to receive any fuch Office or Inquifition, to whose hands any such Office or Inquisition shall come to, shall certifie or cause to be certified under his or their hands in parchment the true transcript of every such Office or Inquisition taken before any of the said Eschestors or Commissioners unto the Master of the Said Court of Wards and Liveries, in Such like manner, form and fort, as is limited and appointed the Clerks of the Petit Bag in her Highnesse said Court of Chancery to transeript the same, upon pain to forfeit for every such default 5 It. to the use of our said Soveraign Lady, her Heirs and Successors: which transcript so to be certified shall there remain of Record in like manner and form to all intents and purpoles, as the transcripts of other Offices already certified into the faid Court by the Clerks of the Petit Bag in her Majesties high Court of Chancery, are used : any Custome, Statute, Ad, Proviso or Profoes heretofore had, made, or used to the contrary in any wife notwithstanding.

The Nature of 32 H. 8. for erection of the Court of Wards extended only to Wards :but the flatute of 3 3 H. 8. annereth to this Court Liberies alfo. Romin what cases the Heir thall be in Mard of suchis Livery, either by the Common law, or by the flatutes, & specially of 32 H.S.& 34H. S.&c. and of all incidents to the fame, you thall read plentifull matter both in the First part of the inflitutes Cap. Escuage. & Cap. Service de Chivalier. And also in the Looks of my Reports.

Which the Kings Highnels, &c.] Although successors be not bere named, yet (Bings Dighneffe) being fpoken in his Royall and politick capacity; which never vieth, both extend to his Successors: otherwise this Court had been distolved by the demile of H. 8.

2 All the Justices in Ireland certified, Quod homagium tantum dat lecundum Banco.
consuctudinem terræ Hiberniæ custod & maricag ; liter servicium militare non Rot. 126. Warw.
Abbot of Malms

Intituled to have That is by Office to be found.

With their Manors and Lands, &c.] This Clante extendeth only to cap. 22. A prothe inheritances of the Ward, and not to any of his goods or chattells, debts, 02 viso for the Duduties. Ac. but hereof more thall be faid hereafter in his proper place.

In the order, survey and governance of the said Court.] • The ges 14 Hiz. Dier netall words of this An extend not into Ireland, for that is a divided, and difficilly Mich. 14 High Mingrome, and hath a proper Seal. d Por to the Isle of Man, because it is no reme per Irlad. part of the Realm of England, and out of the power of the Chancery of England, nel, Broot et Fire.

and not to be hound by our Parliament of England, but by speciall name. in Kelways Report. And so was And that the Master of the said Wards] By this Clause the Paster it holden Trin. only hath power to award Proces.

whath power to aware Process.

Such Process and Precepts with reasonable pains therein limited ham, Anderson, he now commonly used in the Court of the Durcher Chamber & Percam, upon as be now commonly used in the Court of the Dutchy Chamber of a case referred to Lancafter being at Westm.] . Bote, the Dutchy of Lancafter mas createn a them by the County Palatine by Att of Parliament in Anno 50 E. 3. Adeo plene & integre Councell, beheut comes Celtriæ infra eundem com. Ceftriæ dignofcitur obtinere: Ant here tween the Earl upon the Court of Martos is well warranted to be a Court of Equity, and arrors of Derby and the dingly from the erection hereof it hath proceeded.

For or concerning the Title of the Kings Majesty. This is of in the Chap. ebident.

And that the Master of the Court of Wards for the time being the Dutchy of Lancaster. shall make and appoint all and singular particular Receivers, Feodaries, and Pl. com. and Surveyors in every Shire, and also fees for the execution of the fo. 214 & 215. fame under the Seal of the same Office in such wise as the same Offi- f Pleath fo. 115. in Townscers may be alwayes removeable at the discretion of the said Court.] ends case,

chy of Lancaster

Heirs generall. of the Court of

Feodarius

See the first part of the Inft, Sect, J.

Feodarius at Fendatorius is beriben à Feodo feu Feudo, which in one leufe fignifieth a * Seigniory of Tenure : Dis Office confifteth mincipally in three as : 1 And vincipally to be skilfull in the knowledge of the kings Tenures within his Office out of Records and authenticall Books. 2 At the finding of Offices to be his uttermost indeabour to manifest the truth concerning the Bings Tenures. 3 After the Office found to furbey the Warters lands, and tate it.

See Pl.Com. fol. 295. Carils See mag. Car. cap. 5. The stock of goods shall be Glanvil fol. 94. Fleta li. I.ca. II. * Przrogative regis.cap.3.

Or other cause in any wise touching or concerning any thing appointed to the order of the faid Court, for, and on the behalf of our Soveraign Lord me King.] By this Clause, if the Beir within age and in Maro have any goods and chattels, bebts, buties, or other thing due unto him, an information map be exhibited by his Pajesties Attorney of his Wards for his Spajesty on the behalf of the Peir; for this both touch or concern the value of the Wardhip of the body, which is appointed by this Att to the older and furbey of this Court, for the value of the marriage is hereby advanced. But if the Beir at the neath of his Ancesto, be of full age, feeing the primer featon is certain, no fuit can be in this Court for any goods, chattels, debts, ac. belonging to the Heir of full age : * for this both not in any wife concern any thing appointed to the oze der of this Court, viz. neither the Wardship of the body, or of the lands of the

Also be it enacted that the said Attorny Receiver Generall, and Auditors, &c.] The Judges of this Court are the Patter, the Surveyor, the Attorny, Receiver Generall, and the Auditors of that Court. For the words of the flatute of 32 H. 8. are, That the faid Attorny, Receiver Generall, and Anditors, shall diligently from time to time attend upon the faid Master in the faid Court for the hearing and ordering of matters and causes, &c. and the statute of 33 H. 8. bath above the Surveyor in the fecond place in that Court : and albeit honoris caula, they are to actend on the Palter, as the chief and principall Officer of the law Court, for to be is fitted by both the law statutes: yet such attendance is for the hearing and ordering of matters and causes, &c. which maketh them Judges. And fee the Dath of the Surveyour which proveth his Office to be judicialifor by the statute of 33 H. 8. his Dath is (interalia) That he shall minister equall ju-flice to rich and poor, &c. and that he take no gift or reward for any matter depending, &c. in that Court. And the like Dath in effect taketh the Attour, the Receiver Generall and Auditors, by the faid Act of 32 H.S. And so it was resolved Hil. Jac. li.rs. in Audito; Curles tale when Robert Carl of Salisbury was Matter of the Wards and Lord Areafurer of England.

fo. s. & 3. in Au-ditor Curles cafe

See the fratute of Lincoln 29 E. r. Stanf. Prær. Regis Ca. Refejfer. See a nos table case upon that statute within three years after the making thereof, Hil, 32

E. 1. Coram rege. Northampton Jorden Twinewilkes cafe.

At the Parliament holden 18 Jacobi Regis it was moved on the Kings behalf, and commended by the King to the Parliament for a competent yearly rent to be affured to his Pajetty, his heirs and Successon, that the Bing would affent that all Marothips, primer fealous, reliefs for tenures in capite, or by knights Service thould be bischarged, ac. Witherein amongst certain old Parliament men thele thirteen things bid fall into confideration for the effecting thereof.

1. That it must be done by Act of Parliament, and otherwise it cannot be

Done.

2. That all Lands, Tenements, Rents, or Pereditaments, holden of the King, to be holden by fealty only, as of some honour, and such rent, as is now

3. That all Lands holden of Subjects, Bodies Politick or Corporate, by Anights fervice to be holden by fealty, and such rent, as is now due: for if Lands should be holben of them by knights fervice, the same might come to the

4. All Subjects, Bovies Politick and Copposate to be vilabled to take any

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Lands, Tenements, Rents,o, Bereditaments of the Bing, his Beirs, or Succel fors by any other tenure, than by fealty onely, and yearly rent, or without rent of fome honos.

5. Ho Subjed, Bodies Bolitick of Corporate, to create by any licente, or any other way or means, any other tenure than by fealty and rent, or without rent un-

on any effate in fee-fimple, fe-tapl, or otherwife.

6. In refpet of the fait vilcharge and freedom of the Subjetts and their notes rities, and that they thall be alto discharged thereby of fines and licenses of alies first fouch much nations, refpect of homage and reliefs; * a Competent rent to be affured to the be made whatthe king, his Heirs, and Successors, of greater yearly value than he of any of his King hath been Prevences had for them all, which cent is to be inseparably annered to the answered for these, &c. Crown, papable at the Receipt onely.

7. A convenient cent to be affured to the Lords for every lanights fee, and fo

tatably.

8. Commissions for the finding out of the tenures of the Bing, and the Subfed to be returned, ac.

9. Ideots and Padmen to be in the cultoby of tome of their kinded. ec. and not of the King, his Beirs of Succellors.

10. The Court of Wards to be villolved with Bentions to the present De

11. Provision to be made for regulating of Barbien in Sacage, and that the Ancester may appoint Bardians, &c. and that no Bardian shall make a grant to

12. Browiffon to be made that Bishons thall continue Look of Barliament.

notwithstanding their Baronies be holven in Socage.

13. That the Act thall be favourably interpreted for disparce of all marns

ibins, ac.

Which motion, though it proceeded not to effect, pet we thought good to res spesest rigital. member it, together with these considerations ; * hoping that so good a motion it found member it, together with these considerations; young you we make a marine in product tending to the honour and profit of the king and his Crown to ever, and the Hope is the freedom and the quiet of his Subjects and their posterities, will some time of other king man, king man, (by the grace of God) by authority of Parliament one way or other take effect and be established.

And we will conclude this Chapter with boly Scripture : Dens eft pater Or. Plal 46.9.2 67. phanorum, & Judex viduarum. And again, Dens cultodic advenas, pupillum. & 6. viduam fuscipiet. And lastly, in Deuteronomy 27. 19. Maledictus est qui perver- Deut. 27. 19: tit indicium advenz, pupilli. & viduz.

CAP. XXXVI

he Court of the Dutchy Chamber of Lancaster at Westm.

Dealmuch (as it hath been laid) the Court of Wards hath Come reference to this Court of the Dutchy, we thought it fit to treat of this Court of the Dutchy nert after the laid Court of Wards, for that it may give some light thereunto. Dow for that the County of Lancalter is a County Palatine, it shall

be necellary to thew the beginning and erection thereof.

Rot.Pat.Anno 29 E. 3.

Rot.Par. 36 E. 3. nu.36,37. Rot. Pat-Anno 36 E.3.

Ret. Pat. Anno 50 E. 3. See the 2.part of the In. Mag. Cart. c. 31. 32H. 6.f. 13. the a County Palatine by his Letters Parentswithout Parliament.

De affenfu Przlator. & procer. 12 E.4.16. b 5 things to be aing a County Palarine. I Cancellaria. a brevia fub figillo fuo. 3 Justiciarios fuos tam ad Plaalia placita, &c. 4 Quæeunq;alia percinentia. plene prout comes Ceftriæ. See 19 H.6 12. 11 E.4.8. c 26 E. 3.59.b.

Divers have

Bing Edward the 3. created John his fourth fon Carl of Richmond, Anno Domini 3355. De 19 Maii-Anno Domini 1359. married Blanche youngest daughe ter of Henry Duke of Lancaster (the second Duke that England saw.) Duke Henry byed of the plague, Anno 35 E.3. At the Parliament holden Anno 36 E.6. the King in full Parliament did gird his fon John with a fwozd, and fet on his head a Cap of Furre, and upon the fame a circle of gold and pearls, and named him Duke of Lancafter, and thereof gave to him, and to his beits males of his bos by, and belivered him a Charter.

In full Parkament, Anno go E. 3. the Bing erected the County of Lancafter a County Palatine, and honozed the Duke of Lancaster therewith for tearm of

his life in thele words.

Edwardus Dei gratia, &c. Sciatis quod si nos debita consideratione pensantes King may make gestus magnificos cunctorum qui nobis in guerra nostris laudabiliter & firenue fervierunt, iplos defideremus honoribus attollere, & pro viribus juxta merita pramiare, quanto magis filios nostros, quos tam in sapientia, quam in gestu nobili alios pracellere conspicimus, & qui nobis locum tenuerunt, & tenere poterunt potiorem, nos convenit majoribus honoribus & gratiis prærogare ? Considerantes itaque probitatem strenuam, & sapientiam præcellentem chariffimi fili noftri Johannis Regis Castella & Legionis, Ducis Lancastria, qui laboribus & expensis semper se nobis obsequiosum exhibuit pro nobis pluries in necessitatibus intrepide le guerrarum discriminibus exponendo, & volentes co prætextu, ac desiderantes eundum filium nostrum aliquali commodo & bonore ad præsens (licet non ad plenum prout digna merita exposcunt) remunerare; ex certa scientia nostra, & læto corde a de affensu Prælatorum & procerum in instanti Parliamento nostro apud Westm. convocat. existen. 6 Concessimus pro nobis & hæredibus nostris præfato filio nostro quod ipse ad totam vitam suam habeat infra Comitatum Lancastriæ Cancellariam suam, ac Brevia sua sub sigillo suo pro officio cita Coron quam Cancellarii, deputando, confignando Justiciarios suos tam ad Placita Corona, quam ad quacunque alia placita communem legem tangentia, tenenda, ac cognitiones eorumdem, & quascunque executiones per brevia sua & ministros suos fajura regalia ad comitatum Palatinum Com. Palatinum ciendas. Et quæcunque alia libertates & jura regalia ad comitatum Palatinum pertinentia, adeo libere & integre sicut comes Cestriæ infra eundem Comitatum Adeo libere & Ceftriæ dignoscitur obtinere, &c.

· But it appeareth by the Book of 26 E. 3. 59.b. that the faid Henry Duke of Lancaster had the like grant; for there in a Pracipe the tenant bouched, and that he might be fummoned in the County of Lanc', and the Mouchee challenged, bes cause in the County of Lancaster the Kings wait did not run, sed non allocatur, but a writ fent to the Duke or to his Lieutenant to summon the Mouchee in the same manner as it should be done in Chester. Vid. 39 E. 3. Voucher 198.

Counties Pala- It is called Comitatus Palatinus, a County Palatine, not à Comite in respect tines that are not the dignity of an Barl, but à Comitatu, & à Palatio regis, because the owner Barl, as shall ap thereof be he Duke of Barl, ac. hath in that County Jura regalia, as fully as the pear hereaster.

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hine had in his Balace, from whence all Juffice, Bonors, Dignities, Franchiles and Paiviledges, was from the fountain, at the first flomed. Deither by this Chapter as the Duke of Lancaster created Count Balatine, but the County was made a County Palatine. The power and authority of those that had County Balatines was king-like, for they might parton treasons, murbers, felonies, and outlawies thereupon. They might allo make Juffices of Eire, Juffices of Affife, of Goal-delivery, and of the Peace. And all originall, and judiciall to H.7.5.8. whits and all manner of indiament of treatons and felonp, and the procedle theres upon were made in the name of the persons having such County Walatine. And in every wit and indicement within any County Balatine, it was supposed to be contra-pacem of bim that had the County Palatine. But thele and lame others 27 His.cap. 14. are taken away from them that have luch Counties Palatines, and annered to the Crown, and all writs to be made in the Kings name, but the Telle is in the name of him that hath the County Walatine: and they thall have forfeitures of lands and goods for high creaton, which forfeiture accremeth by the Common Pafch ra Eliz. law. But for treatons or forfeits given after the erection of the County Palas Dier 188,289. tine by any Act of Parliament, they hall not have them.

Juffices of Affile, of Goal-delivery, and of the Beare are and ever fince the es ar H. S. capaza. rection of the County Palatine of Lancaster habe been made and affigued by Com-

million under the Seal of the County Palatine of Lancafter.

In the County Palatine of Lancatter fines were levied with three Proclama 27 H.S.c. 10. tions, ac, before the Justices of Affile there.or one of them:and all recoberies tobe 36 H.6.fo.32. hab of any lands or tenements in the County Palatine are to be had in the Court 9 H.7. fol 13. of that County Palatine, and cannot be had at Weffm.

In trefpalle in the County Balatine of Lancafter, the Defendant pleaded a a 22 H.6.48. forain release, the Court prefixed a day to the parties in Bank, the Retord must be removed by Certiorari in Chancery, and by Mictimus into the Bench, there to 6 27 E.3.84.

If illue be jopned in the Bings Bench, of Common Bench tryable in the 19 H.6.13. County Palatine of Lancaster, it thati be tryed in the County of Lanc' and res 32 H.6.29.

maundes hither.

aunded hither.
- Where a release of other special deed is pleased in Barin any Court at 45 E.3. vises o. E.3. cap. 4. Westminster, within a franchile where the Bings Wazic runneth not, it shall be 8 Ad. 37.10 E. 3 tryed where the wait is brought. See the books quoted in the margent. And in 41.19 H.6.12. this pariety of opinions I hold the Law to be, that this fratute of 9 E. 3. ertends 53.21 E.4.8.2. not to cales when any other iffue is joyned tryable in the County Palatine of as & b 17 E not to cales when any other issue is joyned tryable in the County Palatine of 0. & b 17 E 3.84. ther franchise: And I ground my opinion upon the resolution of all the Judges Per sours les fuof England in the Crchequer Chamber, in Anno 32 H.6.25. Sa 39 H.6. 21, 12. fices.to H.4.40 21 H.7.33.21E.4.33,34,35,56.

Vid. Lib. Intr. fo. 81, 82. pl. 8. Henry Parayes cale in bebt, In Camera Guild. Per Martyn.

hall Civitatis London.

Il Civitatis London.

Bing H. 4, by his Charter by Authority of Parliament, Anno primo of his Liblin Raftall reign, both lever the pollellions of the Dutchy, oc; from the Crown: And that fol. which John of Gaunt held for life, is established for ever, and especially by the d Ro. Pa: I H. 4. statutes of 1 E. 4. and 1 H. 7. hereaster mentioned: and this separation H. 4. initialed Carra made, for that he knew he had the Dutchy of Lancaster (par multis regnis) by surface sure and indefessible title: and he could not be both Rea and Dux, but specially ens Loncastia that his title to the Crown was not so assured. for that after the decease of R. 2. a Goron and be assured. the right of the Crown was in the heir of Lionell Duke of Clarence, fecond fon riace Parliamen. of E. 3. John of Gaunt Father of H. 4 being the fourth fon : aud therefore he ins ti anne regni fai tended not, that by the I'm of the Crown the Dutchy thould go with the Crown, Ra and that he should be seised thereof in right of the Crown, as the thing afterwards Pl. Com. 219.6.

"Vide Ro. Par.

Humphery de Bohun Carl of Hereford, Effex, and Northampton being the 1 H.6. Partition Humphery de Bonun Catt di Fiereiord, Elies, and Portusinflois in England and recited any H.s. first and last Carl of that name, and sciled of large possessions in England and between H.s. & Wales, had issue two daughters; * Eleanor the eluest married to Thomas Duke of the said Eleanor

Glouc', and Mary married to the Carl of Hertford,

10 H.6,15,86. 8 H.6.3.per

Rot. Par. Anno 2 H.s.nu. 30. 3 H. f.nu. 15. confirmed, and that no land should paffe of Dutchy, but under the Ouschy . feal a & 3 Ph.& Mar.cap.20. a See the I part Init.Sca 8. bRqt.Paral E.

nu.36.

Pl.Com. 222.

Vid.li.g.fo.the

Princes cafe. c Rot Pan I H.7. " Nota his heirs without faying (Kings of Engl.) as E 4.did. 21 E.4.60. Vid, Dier I. El. 168. b. d 32 H.8 ca. 20. I E 6.cap. 14 1 El.cap. 31. e Rot. Par. 9 R 1 nu. 13. 28 H 8. Brook Livery 55 Li-County Palat, but not of a renure without,

Vid.33 H.8.c. 39.12 H.8.c.20. E. 6 ca. Cuftos Romforum. 2 & 3 Ph & Mar.cap. so.

26 H. 8,9.

21 E 4.60.71. Pl.Com. 119.

3 3 11

Vid. 33 H 8. eap 19, which fee before in the Chapter of the Curt of Wards : 17 H.8 C.11 there allo is a Chancellor of the County Paphe. W niswied

HI. E. & Brook Travers.53.

It is enaced that all the Pandis and bereditaments which descended to H. J. after the accorde of the late Mary his mother, as ion and beir unto her, should be diffenered from the Crown of England, and annexed to the Dutchy of Lancafter, and to be of the fame nature, as by the Bings Letters Patents established by Parliament there appeareth; where you may read of many Franchiles and Lis berties belonging to the Dutthy.

Dere te is to be observed, that albeit these possessions descended to king H. g. as hele to his mother, pet he was thereof feiled in Jure Corona, and therefore

this An differeneth them from the Crown,

The Dutchy of Lancaster as leparated, ac. is by Act of Parliament affured to E. 4. and his beirg hings of England. By this Ad all intails of the Dutchy, or of any land annexed thereunco are out off, and by this made fee simple to E.4. and his heirs bings of England. In an An of Parliament without queftion this limitation of a fee fimple is good. Dee the whole Ad.

It is enacted that H. 7. should have, hold and enjoy to him and his * heirs for everyone the County Polatine of Lancastor, and all bonozs, at. By which An also all former intails are cut off, and in this state both the Dutchy frand at this day. All lands, ac. parcell of this Dutchy given to the Bing by the Scattle of Ponatteries, Chanteries are Will within the turbey of the Dutchy. Within the County Palatine of Lancaster the Duke having Jura Regalia, his furisviction

and privileoges therein were very great.

. The Duke of Lanc. complaineth by mouth to the king, Bifhops, and Lozds in full Parliament; That where after the beath of Thomas of Lathome who held the Mano; of Lathome in the County of Lanc. of the law Duke in Chebage, whereby the Manoz was letter into the hands of the late Duke of Lancalter accops ding to his County Palatine of Lancaster, pet notwithstanding John Stanly Buight as in the right of Ifabell his wife, Danghter and heir of the laid Thomas had entred, and taken the profits of the faid Pano, without any livery or other fuit made in the Chancery of the laid Duke, for which he prayed remedy. After which, upon full advice of the Justices of both Benches, and others of the Mings learned Councell, it was occlared in the laid Parliament, that the entry of the laid John into the Manoz, as afozelaid, was unlawfull, and that the laid John sught to make fuit by petition, or otherwife in the Chancery of the fait Duke for the livery of the fair Mano, in fuch cale to be fuer for.

Of the Franchiles and Liberties belonging to the County Palatine of Lanc.

you may read Rot. Par. 2 H. 5. Ubi fupra.

Laubs to be annered to this Dutchy under the Great Beal thall be as good, as if it had been annexed by Parliament.

See the ftatute of 5 El. cap. 23. concerning wits of Significavit, and Excom-

municato capiendo.

Lands within the County Palatine should passe by the Dukes Charter with out livery of feifon of attornment, but of Lands parcell of a Mano, annered to the Dutchy without the County Palacine, there ought to be livery of feilon, and attogument of tenants, and in the fame begree is it in the kings cale. The reason bereof is, for that the County of Lanc. was a County Palatine, and the Duke then had Jura Regalia.

The proceeding in this Court of the Dutchy Chamber at Wellm. is as in a Court of Chancery for lands, ac. within the furbey of that Court by English bill, ac. and betree; but this Chancery Court is not a mirt Court as the Chancery of England is, partly of the Common law, and partly of Equity, as hath been faid. See before in the Chapter of the Court of Chancery.

The processe is by Privy Seal, Attachment, ec. as in the Chancerp.

The Officers of this Court be the Chancelloz, the Atturny, the Receiver genes rall, Clerk of the Court, the Auditors, Surveyors, the Bellenger. There is an Arturny of the Dutchy in Chancery, and another in the Erchequer. There be four fearned in the law Affiffants, and of Councell with the Court.

Withere by office a tenure is found of the Ming Ut de Ducato Lancastria, and in

truth

Cap. 36.

truth fe is not fo, there nie beth in trabette, for the Ming bath the Butity " ag " in boc erraum Dube, and not as Bing, and a man fhall not traberte; but where it in found t-fas oft, as irappeathe Sing : Sed afrer utitur in diebus nothris, as it appeareth in the cafe follam, albi fupra.

Lerro (in droit de son Duchie de Banc.) Segmor Rich Hulme seiste del is not Duke. Mannor de Male in le Countie de Danc, tenus del roy come de son dit Duchie Hu'mes case, per fervice de Chivalry Mefne, and Robert Male (feifie des terres in Male te- Mich, 7 Jac. in nus del Mesne come de son dis Munnor per service de Chivalry) Ten. Rich. Cu ia Ward. Hulme morifi, Apres que mort Anno 31 H. 8. suit trove que il morist seiste del Estoppel per suer die mefnaltie, et que ver discend al Edmonde fon fits deins ages et trove le de liverytenure avantdit, Go. et durant le semps que il fuir in gard Robert Male le ten morife : apres que mort Anno 35 H. 8. fuit trove per office que Robert Male morif feifie del dit tenancy permuaile, et que cer discend al fon fitz et beire deens age, et que le dit tenancie fun tenus del roy come del dit Duchy per fervice de Chivatrie Con in vertite ceo fuit tenus del Edmonde Halme adonques in gard in le ren come del dit mefnaltie?) per que le ren scisst le gard del beire le ven et puis a Jac, Regu nuns apres le mort de Rich Male que fuit lineal boire del dit Robert Male, per un auter office trove fuit que le dit Rich. morif feisie del dit tenancie, et ceo trignoit del Roy come de fon Duchy per fervice de Chivalry fon heire deins age, Sur ceo Rich. Hulme confin et beire del dit Rich, Hulme, ad preferre un bill deftre admit a fon travers decest darrein office trove in Anno 4 Jac. Le question fait, le quel toffice trove in 35 H. 8. foit afoun estoppel al dit Hulme a traver fer le darreine office, on se te dit Hulme serra chase primerment à traverser loffice de 35 H. 8. Et fuit object que il doit primerment travers loffice in 35 H. 8. come in le case de 26 Ed. 3. fol. 65, que si 2. synes sont levy de terre in ancient demesne, le segnior de que la terre est tenue, doit aver briefe de discent a reverser le primier fine, et in coo le 2 fine ne serra barre. Et que le primier office estoppera cy longe come ces remaine in force. A que fuit responde et resolve per les 2 Chief fustices, et Chief Baron, & le Court de Gards, que le trover dun office nest pas ascun estoppel, car eso nest que enqueft doffise, et le party greve avera travert à ceo come ad effre canfeffe, et pur ceo fans que ftion ceo neft pas eftappel, mes quant office eft trouve fancement que terre est tenus del roy per service de Chivalry in capite; on in versty la terre est tenus del auter seguior, ou del roy me me in Socage, si le heire for generall livery, eft tenus in 46 E. 3. 12. per Monbrag et Perfey 46 B 3. 12. que il navera sute apres d'averre que la terre nest pas tenus del roy, Oc met see nest forfque estoppet al heire mesme que sua la livery et ne conclus dera fon heire: Car ifint dit Mowbray mefme, expresment in antiel safe in 44 Aff. pl. 35. que estoppel per faer de livery estoppera (élement me me le 44 Aff. pl. 35: heire durant son vie : Et in 1 H. 4. fo. 6. b. la le case eft myfe de expresse 1H, 4. 6. b. confession et suer de livery per liffue in taile fur faux office, et la eft tenus que les furours fur novel Diem clausit extremum apres le mors de tiel heire for alarge felonque lour conscience a trover que la terro nest par tecar ile fint jure ad veritatem dicendam, et lour trover est appel veredictum quali dictum veritatis: quel reason auxi serve quant le heir in fee simple fuilt livery far fanx office queles Jurours apres fon mort doient trover selonque le verity, iffint est dit in 33 H. 6. fo. 7. per Laiton 33 H.6. fol 7. que fi 2 foers font trove beires, dont lan eft baftard, filz joine in fate de liver per Laicon. livery, cefti que joine ove le bastard in livery ne alledgera bastardy in l'ant';

mes nul Livre dit que lestoppel indurer pluis longement que durant son vie. Et quant livery est sne per un heire, le fonce et effect del record de cest livery est execute et determine per son mort et pur ceo le estoppel expirer ove le mort le heire; mes cevest destre intend dun generall livery, car special livery ne concludera omnino, come appear apres. Des panals de generall livery, quant le beire est trove de pleine age, font. Res Eleanto. ri, &c. Scias quod cepimus homagium I, filii et hæredis B. defuncti de omnibus terris et tenementis que idem B. pater suus tentic de nobis in Capite die quo obiit, et ei terras et tenementa reddidimus, Et ideo tibi præcipimus, &c. eidem I, de omnibus terris et tenemenris prædict. &c. plenam feisinam habere fac. &c. Es quant le beire fuit in gard a fon plein age, le brief de livery dinra. Rex, &c. Quia I, filius et hæres B. defuncti, qui de nobis tenuit in capite, ætatem suam coram te sufficient, provabit, &c. cepimus homagium ipsius I. de omnibus terris et tenementis que idem B. pater suus tenuit de nobis in Capite die quo obiit, et ei terras et tenementa reddidimus: Et ideo tibi præcipimus, ut supra. Quel brief eft le sute del beire et pur ceo coment que touts les parols del brief sont les parals la roy (come tout les briefs le ray (out) et coment que le brief de livery eft generall , de omnibus terris et tenementis de quibus B, pater l. tenuit de nobis in capite die quo obiit, sans direct a firmas que ascum Mannor in particular est tenus in capice, et nien obstant que ceo nest forfque prosecution dun brief le rey et nul judgment for ceo; uncore intant que general livery est foundue fur lossises, et per lossice suit trove que divers terres et tenements suer' tenus del rey in capita, a ceft canfe le suer de saft brief concluder le heire solement que fuift le livery, et apres son mort les Jurors in novel brief de Diem clausit extremum font alarge, come eft avandit, et si cesti fum trove fauxment tenure del roy, auxi le Segnier de que la terre est tenus poet trawers ceft office, on fi terre foit tenus del noy orc. in Socage, le heire poet travers cest darrein office, car per ceo il est greve solement, et ne travers le primer office, & quant le pier suift livery et mort, le conclusion est execute et past come eft dit ademant. Et nota, la eft un fecial livery, mes ceo proceade de grace le roy, et neft pas (ute le heire, et le roy paet grante ceo on al plein age devant acate probanda, &c. ou al heir deins age come appiers in 21 E. 3 40. et ceo eft generall, et ne affirm directment ofenn tenure come le generall livery fift, mes ove un, ut dicitur, et pur ceo neft ascun estoppel sans question, Et al common le special livery poet aver estre grant devant ascun office trove, mes ore per lestatut de 33 H. 8. cap. 22. est purvien, That no person or persons having lands or tenements above the yearly value of 5 1. shall have or sue any livery before Inquisition or Office found before the Escheator or other Commissioner, mes per un expresse clause in misme latte, livery may be made of the lands and tenements comprised or not comprised in such offices. Iffint fieffice foit trove dascun parcell, de. ceo suffift, et si le serre trove, in lossice nexceade 20 1, donques le beire poet sur er generall livery apres office ent trove, come est avandit; mes siste terre nexceade 51 per annum donques generall livery poor eftre que fans office ent trove per garrant del Master de gards, de. Vide Dier 23 El. 377. que le Roigne ex debito Justitia, neft lye a cest jour puis le dit Ast de 33 H. 8. a graunter special livery, mes est a son election a graunt. Special livery on a chafer te beir a un generall livery.

21 E. 3. 40. 46 E. 3. 33. 46 AH. P. 47 B. 3. 21. 29 Aff. p. 8. 33 H. 6. 50. 21 H. 6. 28. 37 H.8.B. E-Hoppel 218.7E 6. ibid 122. See 4 part Inft. Cap. Pardon, Mich. 39 & 40. El. fol 397.

Fuit anxi resolve in cest case que lossice de 35 H.S. ne fuit pas traversables car fon travers deme ne provera que le Roy aver caufe daver, gard per caufe de gard, et quant le Roy vient al possession per faux office ou aut meane fur pretence dun droit, ou in veritie il nad tiel droit, uncore si appiert que le Roy ad ascun auter droit on interest a aver et tener la terre, la nul traversera Which case we cest office on title le Roy, pur ceo que le judgement in le travers eft, Ideo confideratum est quod manus Domini Regis à possessione amoveantur, &c. guage wherein Que ne doit eftre quant appiert al court que le Roy ad droit ou interest daver la terre, Et ove ceo accord. 7 H. 4. fol. 33. in le Countee de Kents cafe; et que fresh in memo. apres general livery sue per le beir de Robert Male le office ne poet estre tra- ry, & never hiverse per son heire : Et issint auxi fuit resolve per lassistants del court de Gards in Scurfields cafe in Curia Warderum. Tr. 8 Jacobi.

Mhat Leafes may be made of lands, oc. within the furbey of the Dutchy of Lancafter; De the Dedinances of the Court of Durchy concerning Leafes to be

made, ec. Anno 20 H. 6.

Se alfo Dier Mich. 6 & 7 Eliz. the refolution of all the Judges concerning Mich. 6 & 7 El. Leafes made by the Chancelloz of the Dutthy Chamber. And if the Leafe either in pollellion of reberlion be made under the Dutthy Seal, Quod Dominus Rex de 2 Proviloes. advisamento & affensu concili Ducatus Lancastriz dimilit, &c. the Lease is good, 2 & ; Ph. & M. although in truth the Chancellog made it, and put to the Seal of the Dutchy. Fog cap. 20. fuch Leafes under the Dutchy Seal, oz under the Seal of the County Palatine 37 H. 8. cap. 16 of lands within the fame, are of as great force as lands of the Crown under the Gigat Deal.

Albeit by Special probision and construction, to a grant of lands and tene- 21 E.4. fo. 60. ments parcel of the Duthy of Lancaster that Iye out of the County Palatine, there muft be libery of feifin and Attoznament, as the cale requireth, yet the Vide Cartam H. grant under the Seal of the Dutchy is matter of Mecozo in refped of the dignity de feparatione of the person of the Bing, and needeth no delibery to make it a bed (as deds be. Duca, Lanc, à cetimen lubieds ought to babe) and if the fame begenied, Non elt factum cannot rong authoritate

be pleaded, but Nul tiel Record.

And if the Bing by his Letters Batents under the Seal of the Dutthy doth Rot. Porles H.s. grant a rebertion expectant upon an estate for life or years of lands parcell of the nu is said Dutchy lying out of the County Palatine, the rebersion both passe maintenanc to the Patente by force of the Letters Patents : but be thall not habe an Action of Wafte, og diffrain befoge Attognament. * Fog this cafe is like to nu. 1. Seff r. the case of a fine between subjects, which is marrer of record : and so the Bings 2 & 3 Ph. & M. Letters Patents under the Dutchy Seal are as high a matter of recogd (if not cap. 20. bigher then a fine. And this tendeth both to the bonour of the Bing and the late. P. 10 H.4. fo. 7. ty of luch as purchale fuch reberfions of the Bing, that the fate of the reberfion son omictas, &c. fould paffe by those Letters Batents : otherwise if the Patente dye befoge Rot. Parl, 2H ; Attognament, the Letters Patents Could be boid, and the balidity of the Kings nu 30. Attognament, the Letters Patents poulo be voto, and the value of the lesse, and many inconveniencies 23 Ho.nu.17.

grant should depend upon the pleasure of the lesse, and many inconveniencies 23 Ho.nu.17.

should thereupon follow. And all this appeareth by that great and grabe resolutions of the Dier Mic. 6& 7 tion of the cafe of the Dutchy of Lancafter reported by Pr. Plowden, that no fta- Eliz. ubi fupra. tute now in force doth Ceparate the Dutchy from the person of the King, not to "Lir. fed. 580. babe the person of the Bing separate from the Dutche, not to make the Bing Duke I part of the babe the person of the Bing separate from the Dutty, not to make the Bing wine and to the possessions of the Dutty, not to alter the quali- lost, so. 320. ty of the person of King H. 7, but only that the King hould have to bim and to 211, b. bis Beirs the Caio Dutchy Ceparate from the other poffeftions; in which cafe the Vide Rot. Parl, Dutchy at the least is joyned to the person of H. 7. and to bis Deirs, and the 1H 4. nu. 81. person of the King remain as it did before, for nothing is said to the quality of accord. the person of the king, not to the alteration of his name. And the person of the king thall not be infected because the Dutthy is given to the king and his heirs, but remain alwayes of full age, as well to gifts and grants by him made, as to administration of Judice : Taberenpon it was refolbed, that Leafes made by E. 6.

have rehearfed in the fame lanwe reported it therto was putrlifhed.

Dier 232. 27 H. 8. ca. II.

Rot. Par. 1 H.4. Bu.81. Parl. Anno regni ſui, 1. Ror. Parl I E.4. Rot. Parl. 1 H.7 per prarogat.

being within age of lands, either within the County of Lancaker og wifbout parcel of the Durchy (the Moyal and politich capacity of the Bing being not altered) were not beidable by his nanage : A just refolution, and tending to the tafery and quiet of Purchafers and Farmoza; and proveth directly that the Boy, al and politich capacity of the Bing being not aftered (as to theft poffellions) the Letters Patents of the Bing of thele pollettons under the Dutty Deal are of Mecozd : and we find no opinion in our Lobs, or any thing in any Merozd, that we remember, against this. Do as the law concerning this point is, That to, grants of reberfions by Letters Patents under the Bings Seal of the Dutchp of Lancafter, there mult be Attognament for lands out of the County Palating to make a privity, as in case of a fine for the action of waite or diffreffe ; but of larner mithin the County Palatine, the rebertions patte by Letters Batents under the Deal of the County Balatine, both for the effate and for the privity of the artion and of the bifreffe : and yet the Deal is as bigh a matter of Mecord in the one cafe as in the other. And berewith agreet the continual practife in the Court of the Dutthy of Lancafter. Fog if a reberfion be granted under the Dutchy Deal in fe oz in tail, ac. of the lands of this Dutchy expedant upon a Leafe for years. life, oc. a Wazit in Englift is usually granted in the Kings name under the the Dutchy Seal, reciting the grant, and commanding the particular Lenant to attorn : or tfit be of a Paner in pollettion, a Wizit like wife in Englif is ufualfy granted commanding the Lenants generally to attorn.

The Seal of the Dutchy of Lancaster remains with the Chancellog at Westin. And the Seal of the County Palatine remains alwayes in a Cheft in the Coun-37 H. 8. cap. 16. ty Palatine under the fale cultody of the Bieper thereof. All grants and leafes of Lands, Tenements, Offices,oc. in the County Palatine of Lancafter fall paffe under that Deal and no other: and all grants and leafes of Sands, Tenements. Diffices, ac. out of the County Palatine and within the furbey of the Dutchy, that patte under the Deal of the Dutchy, and no other : atherwise such grants

and leafes fhall be both by the apparent intention of the Ad.

De alfo Pl. Com. 222. notable matter concerning leafes made of lands with. in the Burbey of this Court, the king being within age, oc. refolben and decree to be good.

This County Palatine was the youngest brother, and pet ben beloved of all other, fog it had more Ponogs, Manogs, and Lands annered unto it, then any of the rett, by the Boule of Lancaster, and by H. 8. and Quien Mary, albeit they were bestended also of the Boule of York, viz. from Eliz. the elect daugh. ter of E. 4.

* \$ 02 the great Moyalties, Franchites, Liberties, Pzibiledges, Intmunities, Quietances, and freedoms, which the Dube of Lancafter han fog him and his men and tenants, fe Rot. Parl. die Lunz polt Ochab. Sanci Martini Ann. 2 H.5. all wbich are eftablibed, ratified and confirmed by authority of Parliament, ne ceffary to be known by fuch as habe any of their pollettons.

cap. 11. for the Several Seals. 23 H.8. cap. 3. Com. of Sewers under the feal of the Dutchy and they be Commissioners of Record.

Vide 17 H. S.

Dier ubi fupra.

Pl, Com. 132.

* Royalties, Franchises, Liberties, &c. Rot. Parl.2H.5. nu. 30. not in print, & establis fhed and confir-med, Rot.Parl. Anne 3 H. 5. nu.If.

CAP. XXXVII.

Of the County Palatine of Chester.

Seeing the erection of the County Palatine of Lancaster hath reference to 13E.3 Vouch.18 the County Palatine of Chester, we have thought good to entreat of it in 49 E.3.9. this place, for that one giveth light to the other.

And pabe Wohen of the County of Lancaster raised to a County Palatine by 12 E. 4.16.

And of Parliament. The Sall now speak of a County Palatine created by pre- a A man may forestion

fcription.

b We find that Hugh Lupus some of the Afficount of Averenches in Normandy by his wife William the Conquerozs fifter, was the first hereditary Earl of fcription a.E. 4.

England created by his Ancie the Conquerour Earl of Chester, and in the still 16,21 R.2. (2.9.

of a Conqueroz, Totumq; hunc comitatum tenendum sibi & * hæredibus ita libered all stilled and stille

This is the most ancient and most honourable County Palatine remaining in England at this day, " with which dignity the Kings elacst some hath two of long time honoured.

Tourney, and confequently had Comicatum Palatinum without any expected toogds thereof, and by force thereof he created Eight Cheshire Batons, which was the first histile mark of a County Palatine. That is to say, Robert Fitz-Hugh Baron of Malpas, Richard de Vernon Baron of Scibbroke, William Walbank Baron of Nantwich, William the some of Nigil Baron of Halton, Hamond de Masly Baron of Dunham, Gislebert de Venables Baron of Kinderton, Hugh the some nibm placitie of Norman Baron of Hawardyn, and N.

Baron of Stockport.

By the said general grant he had not the patronage and tenure of the Bishopich of Chester, for thus I read in the Both of Domesday made in the time of this Hugh Carl of Chester. Cestreshire. Tenet Episcopus ejusdem civitatis de rege, quod ad suum pertinet Episcopatum, totam reliquam terram comitatus tenet which you may Hugo comes de rege.

Hugo comes de rege.

Britton saith, Voilons nous que Justices Errant soient assignes de les Chapters Inspex. Par. An.

18 H.6. parte 2.

antiel poer voilons que nous d'Chief Justices de Ireland & Cestre eyent.

Britton saith, Voilons nous que l'annue parte 2.

Britton saith, Voilons nous que Justices de l'eland & Cestre eyent.

is, and anciently bath been a principal Officer called the Chamberlain of Chefter, who bath, and time out of minds bath bad the jarisdiction of a Chancelloz; and that the Court of Erchequer at Chefter is, and time out of mind of man bath been the Lain of Chefter. It is also sudge of matters at the Common of Chefter. It is so court of Court, as in the Court of Chancery at Westen, for this chequer. Court of Chancery is a k mirt Court.

There is also a dice. Chamberlain, which is the Deputy of the Chamberlain. iAt the Common there is within the same a Justice called the Justice of Chester, who bath mon law. iurisdiction to hear and determine matters of the Crown, and of Common Pleas. A mixe Coure. Of sines and recoveries levied and suffered as well within the County Palatine lain. of Chester as of the City of Chester. Let the statutes of 2 E. 6. ca. 28. & 43 Ehz. of The Justices cap. 13. But of these and other matters concerning this County Palatine, we of Chester. babe thought gwd to set down the resolution of sour reberend Judges (whom we knew) upon brew of Recozds and evidences, and mature deliberation thereupon in writing, in these words.

13E.3 Vouch.18
49 E.3 9.
19 H.6. 12.
36 H.6.33:34.
12 E.4.16.

a A man may
have a County
Palatine by pree
fcription a E. 4.
17,18.22.12E.4
16.21 R.2.ca.9.
Regifter. 17. 2.
b This Lurus did
bear Azure a
head of a Wolf
erafed, argent.
* In feefimple.
† 21 R.2. ca.9.
21 R.2. cap. 9.
17 E.4. cap. 9.

These Barons had within their feveral Courts conusant desired in curia comitis metin, except is placitis and gladium ejus pertinentibus, which you may see at large, Rot. Inspex. Pat. An. 18 H.6. parte 2. m. 34. c Brit. f. r. b. 27 H.8. cap. g. d Chief Justice de Chester. e 27 H. 8. c. 5. f Chamberlain of Chester. g Court of Eschequer. b Chancery Court. i At the Common law. A mixt Court. I Vicechamberlain. m The Justices of Chester.

Sir James Dier, Weston, Harpur. Carns. 10 Febr. 11 Reginz Elizab.

The opinion of Sir James Dier Knight, Chief Justice of the Common Pleas at Westminfter, Richard Weston and Richard Harpur Esquires, two other Justices of the same Common Pleas, and of Thomas Carns Esquire one of the Jutices of the Pleas to be holden before the Queens Majesty, declared and prefented to her Highnesse the to day of February Anno Dom. 1568. by vertue of her Majethes Letters to us directed the fecond day of the fame moneth concerning the jurisdiction and liberties of the County Palatine of Chefter, and the authority of the Chamberlain and his Office there: and concerning the controversie between the Lord President and Councel in Wales, and the faid Chamberlains Office lately grown upon Thomas Radfords cafe exhibited unto us : as ensueth.

aKingH.7: made it a County of it felf. Camden. 459 2. By prescription

First, by that which we have fen and confidered, the County of Chefter (wherein 2 the City of Chefter is now, and by a good time patt bath then a County of it felf) of * bery ancient time befoge the reign of Ming H. 3. bath ben, and yet is a County Palatine, with other members thereunto belonging : and to from time to time bath ban receibed and allowed in the law. And therefoze the laws, rightfull ulages, and cultoms of the faid County Balatine are to be preferbed and maintained.

The Chamberlain of Chefter.

It further ebidently appeareth, that by the like time of antiquity and continu. ance, there bath been and yet is in the faid County Palatine one principal or bead Difficer called the Chamberlain of Chefter, who bath, and eber had all furisdictions belonging to the office of a Chancelloz within the faid County Palatine.

The Juffice of Chefter.

And that there is also within the said County Palatine a Justice sog matters of the Common Pleas, and the Pleas of the Crown, to be beard and determined within the faid County Palatine, commonly called the Juffice of Chefter.

Error, forein plea, & forein voucher.

mole alto the that all pleas of lands of tenements, and all other contracts, cautes, and matters arifing and growing within the fame County Palatine are pleada. ble, and ought to be pleaded, beard, and judicially determined within the faid County Palatine, and not elfewhere out of the fato County Palatine : And if any be pleaded, beard, og judged out of the faid County Palatine, the fame is boid, and coram non Judice, ercept it be in cale of Erroz, Fozein plea, oz ferein boucber.

Treason & errer.

ame also fee that no inhabitant of the same County Palatine by the liberties. laws, and ulages of the faid County Palatine ought to be called or compelled by any wait of Pooces to appear of anther any matter of cause out of the fame County Walatine for any the caufes aforefaid, but only in caufes of treafon and erroz. And the Quens weit doth not come, nog ought to be allowed og uled with. in the faid County Palatine, but under the Deal of the faid County Palatine. ercept Mizits of Proclamation by the Matute of E. 6. Anno regni fui primo.

Seal of the County Palatine

It both further appear unto us by good matter of Recogo to us thewed, that the Court of the Erchequer at Chefter is, and by the time of antiquity and continuance aforesaid bath been used as the Chancery Court for the same County Balatine, and that the Chamberlain of Chefter is the chief officer and Judge of that Court, and that be is, and time out of mind bath been a conferbatoz of the peace by bertue of the same office, and bath like power, authority, preheminence, furisdiction, erecution of law, and all others cultomes, commodities, and adbantages pertaining to the jurisdiction of a Chancellog within the faid County Da. latine of Chefter, as the Chancelloz of the Dutchy of Lancafter bath ufed bad and ought to habe used and executed within the faid County Palatine of Lancaster : which more evidently appeareth also by the understanding of the first grant made by Bing E. 3. to John bis fonne then Duke of Lancafter, whereby be made the fame County Palatine of Lancafter, referring the faid Duke to babe bis Chancelloz, liberties, and regal furisdiction to a County Palatine belonging, aded libere & integre, ficut comes Ceftriz infra eundem Comitatum Ceftriz dignoscitur obtinere.

Court of the Exchequer is the Chancery Court. Chamberlain

Judge of thas Court. A Confervator of the peace.

See the grant before.

> Alfo it appeareth unto us, that the Micechamberlain did lawfully and orderly commit to prifon Thomas Radford named in the cafe prefented unto us, for that

Vice-Chamberlain.

be refuted to put in fureties of the peace within the laid Erthequer upon Affidavie made in that Beball. And that the proceedings of the Councel of the Par- Councel of the ther touching the enlargement of the faib Radford from the faib impelforment, Marches. and alle their further ogder and dealing against the laid Wicerhamberlain was, and is wirbout fufficient authority, and contrary to the jurisdiction of the office of the faid Chamberlain, and the antient laws and liberties of the fame County Palatine.

And the bo alfo affirm, that the fatute of 34 and 35 H.S. called the Debinan. The Prefident ces of Wales, whereby the authority of the Logo Prefident and Counsel with Councel of the Bominion and Principality of Wales and Parches of the fame is ella- Marches of the blifbed and bath the force of a law, for of concerning the betermination of cau- fame les and matters of the fame, comprehendeth not the Counties of Chefter, and the The Counties of City of Chefter, because the fame Counties of Chefter and the City of Chefter Chefter, & the be no part noz parcel of the fato Damimon of Beineipality of Wales, og of the City of Chefter Warthes of the fame.

no part of the Marches of

Bettren Dit john Egerton Plaintiff, and William Carlof Derby Chamber- Wales. lain of Cheffer and others Defendants, for the trutt of an interest of a tearm in Hill. 11 Jac in fands in the County of Cheffer; thele points were refolbed by the Logo Chancel, the Chancery. In and by the Chief Julice of England, Julice Dodderidge, and Julice Winche, whom the Lazo Chancelloz called to be bis Militants, as followeth.

Firft, that the Chamberlain of Chefter being fole Judge in Equity, og bis Vid.in the Char-Deputy carnot bette any caufe wherein be himfelf is party, for be connot be ter of Durham. Judex in propria caufa, but in that cate be may complain in the Chancery of Coran Rege. England.

Vide 21 H. 3. breve 881. in rationabili parte versus Comitem Cestria de hare. 11 H. 3. breve dirare D. quondam Comit. Ceffriz, Comes dicit quod noluit respondere de terra in Com. Cestriz ubi brevia domini Regis non currunt extra libertates suas nisi Cur, confider. & Confideratum fuit per curiam quod respondent.

2. If the Defendant owell out of the County Palatine, if my of the County Palatine babe caufe to complain against them for matter of Equity for lands of 12 Aff. 382.

gods within the County Palatine, the Plaintist may complain in the Chance ried, 5 E.3. 30.

ty of England, because he hath no means to bring them to answer, and the Court 38 H. 6. 6. 7 H. of Equity can bind but the perlon, foz otherwite the lubien fould have just eaule 6. 37. 8 E.4. 8. of thir, and thould not have remedy: and when particular Courts tail of justice, II H.4. 27. &c. the general Courts hall gibe remedy, ne Coriz Regis deficerent in justitizex. hibenda.

3. It was refetbed, that the Bing cannot make any Committion to bear and betermine any mattet of equity, but matters of equity ought to be determined in the Court of Chancery, whose jurisdiction therein have had continual allowance, and to was it retofbed in * Perrots cafe. See this cafe in 4. Apon confideration has of the faid Certificate of the Logo Dier, and the the Chapter of

See this cafe in the Chancery,

fatb other Indiges, it was retolbed, that tog dings transitogy, wough in truth they were emergent within the County Palatine, pet by the general rule of late, the Plaintiff may alledge thete to be done in any County where be will, and the Defendant cannot plead to the jurtsolation of the Court, that they were done, ic. ey Palatine of within the County Palatine: but if the Plaintiff inproce the transitory cause of Durham. action to be in the County Balatine, that may be pleaded to the jurisdiction, otherwife it is of things foral.

See in the Chapter of the Coun-

In office found by Commifton in the nature of a Mandamus iffuing out of the Chartcerp at Westminster befoze the Commissioners in Com. Cestriz for lands bolden in capite in the fame County, was bolden baid per conflium cariz Wardorum, for it ought to be by writ or Commission out of the Exchaquer in the

County Palatine, which is the Court of Chancery there. quer in any matter wherein he proceedeth according to the course of the Comff.the subgement be given veroze the Juffice of Chester, then the writ is bireated

Justiciario

Regift.fo. 17.2. 34 H.6. 43. 6 H. 4. 9. Lib. Intr. Raft. 71. Dier 15 El. 320. 321. Dier 18 El. 345, 346. Note thefe general words extend as well to theChamberlain by the rule of the Regist. ubi Sup.

at The

oms bull

Infliciario Ceftriz five ejus locum tenenti. And note, that in a togit of Erroz to the * County of Chefter, day fall be giben by fo long time, that the Counties may be boloen befoge the return of the fame weit in the Bings Bench, which is four months, by which time the Auftices of Lieutenant within the fame County may redzelle the erroz, if they will, and this by the utages of the fame County; But in a wait of Erroz upon a fine they have no luch power : and the Plaintiff ought to bring the wait of Error to the nert County after the Telle, and there it shall be read. Coram Judicatoribus ratione tenurarum fuarum ibidem : and the Plaintiff hall affign the erroz withcut praying proceffe againft the Tenant oz as to the Justice Defendant, but only to pray Judicatores to examine the error, and if error be found they may addite thereon, og prefently reform it, and award reflitution, of by their difcretion they may award processe returnable at the nert County againft the Tenant of Defendant ad audiend, errores, (which is realonable, and neceffary to be granted) and to return their own judgment giben by them og their Deebeceffoz, and then there is an end of the buffneffe, and the Mecozo fail remain there without removing ; and by this means they wall labe an bundzed pound forfeiture to the King. But if they affirm the sudgement which is errone. ous their affirmation and the Mecord ought to be remobed inta the Bings Bench. if the party Plaintiff be griebed therewith : and if their affirmation be errone. ous, although their firtt judgement was giben by their Predeceffors , notwith-Chanding they fhall tozfeit the bundzed pounds. And the party griebed by their affirmation or reverfal ought to bring a special writ of Error peremptory, which thall not be examined by them, for that all this is to be underftod where erroz in law is affigned: foz upon the wait of Erroz firft baought, if any erroz in fair be affigned, as death of one of the parties, hanging the plea. or the like, which is tryable by the Country, they cannot bolo plea thereof, but return the Mecozd, with the wait into the Bings Bend. Refiber can they balo plea of a release of errors after the judgement of the like, for they are only to examine the errors of the Record or process, and all this deth notably appear in our boths. But if no fuch usage bad been, the Mecord ought to babe been remobed by the write of Grroz into the Bings Bench, as it ought to be in other cafes. Egerton the Queens Sollicitos mobed in the Chancery to habe a Certiorari

Hil. 29 Eliz.

to the County Palatine of Chelter for the remobing of a Kecord of Affife taken in that County between Cotton and others Plaintiffs, and Venables and others Defendants, wherein the Recognitors of Affile gabe a falle berdid, and to the intent, that a wait of Attaint might be baought in the Bings Bench, a Certiorari was praped. And it was doubted, whether an Attaint did lie in this cafe, out of the County Balatine. And by the opinion of Wray and Anderson Chief Juli. ces, and Manwood Chief Baron, upon confiberation had of the facute of 22 H. 8. cap. 3. whereby it is enacted in thefe words, That all Actaints hereafter to be taken shall be taken before the King in his Bench; or afore the Justices of the Common pleas, and in no other Courts; They refolbed and to certified the Lord Chancellez, that for a falle berdid giben in the County Palatine of Chefter, the Atraint ought to be brought either in the Rings Bench oz. Common pleas, and not in the County Polatine of Chefter, and thereupon a Certiorari mas granted for the removing of the Mecord.

Vid. 3 El. Dier 202. b. Benloes 3 Eliz.

Hil. 29El. comm rege, Huddleftom cafe, in Brevi de errore.

Hil. 29 Eliz. coram Rege. The case was that Queen Elizabeth by her Letters Patents granted the cuttody of the Cattle of Chefter to John Pafton, and Richard Huddlestone Esquires, and the surbiboz of them; John Paston bied, and in a Scire fac. againft Huddlestone in the Erchequer befoze the Chamberlain . Glafier then being Deputy Chamberlain) to repeal the faid grant, oc. judgement was giben againft Huddlefton that the Patent fould be abnulled and cancelled; and bereupon Huddlefton brought bis writ of Errez. And it was ebjeded, that before any writ of Error ought to babe been granted, Huddleston ought to babe fred to the Queen by petition to babe a writ of Error according 23 E. 3. fo. 241 to the book in 23 E. 3. fo. 24. But it was answered, that here in this case no inberitance was recobered by the judgement, and if Huddlefton that claimed the

F.N.B. fo.

office

office but for tearm of his life thould be briben to his petition, wherein great be-tay might be uled, his life might end before he could obtain his writ of Error, therefoze the writ of Groz in this case was to be granted without any netition: and of that opinion was the whole Court of the Kings Bench, and to the writ of Gerroz Dio Cand.

Judices & Sectatores Com. Celtriz non confueverant apponere figilla fua ali- Pafch. 9 E.z.co

cui recordo in præfentia Jufticiariorum.

Befoze the Katute of 34 H. 8. neither the County Palatine of Chefter fent 34 H.8. cap. 1 3.

Anights to the Parliament, nog Citizens out of the City of Chefter.

Before the flatute of 27 H. 8. the Lord Chancelor of England appointed no 27 H. 8. cap. (. Justices of Peace, Justices of Quorum of Gaol delivery within the County of Chefter.

The Panoz of C. in the County of York was bolden of the Prince, as of the 22 E.4. Jurisd 61 County of Chester, and that all pleas real and personal rising within the County, Lib. Int. Rast. fo. of within any parcel of land holden of the County ought to be impleaded within mediate or methe said County Palatine: For the King by his Letters Patents may ordain a diare. Court at York, of in any other County which thall have jurispiction through the whole Kealm, and lo it was refolved.

The City of Chefter was made a County of it felf by hing Henry 7. by Let- Lic. Pac. 6. April

ters Patents , dat. 6 Aprilis 21 of his reign.

De the flatute of 5 El. cap. 23. Concerning with of Significavit and Excom. 5 El. cap. 23. capiend. Se the ftatute of 18 El. cap. 8, making of moze Juffices than one.

By the statute of 8 H. 6. cap. 10. It is provided, That upon every Indicament 8 H.6. cap. 10. or Appeal by which any person dwelling in any other County than there where Vide cap. 13., fuch Indictment or Appeal is, or shall be taken of treason, felony, and trefpaís, &c. before any Exigent awarded, &c. that after the first writ of Capias, another writ of Capias shall be awarded directed to the Sheriff of the County whereof he is or was supposed to be conversant in the Indicament, &c. otherwise the

outlawry to be void.

In an Appeal in the Bings Bench in the County of Dorfet where the Ap. 19 H. 6. 1, 2. pelle was bemurrant at Chefter, processe continued until he was outlawed without any Capias into Chefter, and it was objected that the Capias could not iffue into Cheshire, foz it is a Franchise into which the Rings weit runneth not. Bolben at the Common law for certain things a writ fall iffue to the Franchile of Chefter, as for treaton, and the statute is made by Authority of Parliament, and is general as well within Franchife as without, and therefoze the Ad being general thall be taken generally to extend into Chefter, Quod concedicur, but this is a leaving cafe.

Vid. Lib. Int. Coke, fo. 230,231,232. & 296. 297. Die an Act of Parliaments

duelis Anno regno Rogis E. Illu Regis I famici 33 findane, 24. Bo. 22.

Deminies New marcharit breve janne. Epifesto Dundhu, in heir verba; Edwardus Det grand ven stuglie, darinut Hibering, et dun Agniturie renerabile in this of arti. A. eadem gratis upifupo Dune on Salaton.

Rot, Par. 9 H. 4. nu. 45-touching adjourment in pleas. inob more spice!

18 El. cap. 8.

AN Solved plia rice of Alterhownth, Mathle de Swines wee, et Ri-AN Solvedoe, et Agres und Ins arranice was quandam at now more tis and resource infer theretom befores Epile pains product. " contra Lucible to de Tryking hang; Guyebardo de Charson, et Petro de Thorestoy per breez veltram geofus Galfridum ft, Fanancis le Malchen de Hoterpole de uno melacejo, ex totiis et una carneala leice cum jertin, la florchemon's trian. He prodictes Cafe das Fohner rate Maf I'm de Derterpole lanes frame weelest to diff. Oderrown, Blatiniam, Bromenn et Aguo.

CAP. XXXVIII.

Of the County Palatine of Durham.

Dis is al'o a County Palatine by prescription parcel of the Bispoprick of Durham, which was first raised, as it is said, soon after the time of William the Conquerer.

Pet I find that this County Palatine hath bein questioned (but with evil success.) For at the Parliament holden Anno 11 H. 6. Thomas Bishop of Durhampraped a Commission under the Great Seal to certain there named, who by vertue thereof sat and inquired at Hartlepole being within his County Palatine of the rights of the County Palatine with all the Dependants. Echerenpon Sit Wilham Eure Unight the Unings Atturny made vivers objections, that the Bishop ought to have no County Palatine, neither liberties royal. On the contrary part the Bishop produceth his proofs, and the matter on both parts seriously devated. In the end judgement was given in Parliament soz the Bishop, and that the said Unquisitions returned in the Chancery of elsewhere should be void. On the Breezed being very long, and yet worthy the reading.

be injury and wiong within his Councy Palatine, and that he cannot be a Ausge in his own cause: See a notable Messys intitules thus. Recordum coram domino rege porrectum per manus Willielmi de Bereford & Rogeri de Heigham Justiciar. domini regis ad quarelas infra libertatem Episcopatus Dunelm. audi-

end. & terminand, aflignat, in hec verba.

Flacita apud Dunelm, coram Willielmo de Bereford & Rogero de Heigham fufficiariis domini Regis ad veteres querelas Ricardi Prioris Dunelm, & aliorum hominum Episcopatus e justem domini regis prius porrectas & non determinatas

audiend, & terminand, affignat,

Rieardus de Hoton Prior Dunelm, queritur de * Anthonio episcopo Dunelm. See. The record is long, but therein you hall observe several plaints of the Pzioz against the Bilbop, abserupon issues are sooned, and verdid given against the Bilbop, and suggements given worthy the reading. By which kecozd it appeares the that the Bilbop day within the County of Durelme Regalicarem susm.

I find allo another Becozo in the fame Bings time, viz.

Placita coram domino Rege apud Westm. de Termino Sancti Michaelis Anno regno Regis E. filii Regis Henrici 33. finiente, 34. Ro. 32.

Dominus Rex mandavit breve sum Episcopo Dunelm, in hac verba, Edwardus Dei gratia Rex Anglia, dominus Hibernia, et dux Aquitania venerabili in Christo patri A. eadem gratia Episcopo Dunelm. Salutem, Cum Odeliva silia Ricardi de Hurcheworth, Matild. de Swineburne, et Risardus Bouche, et Agnes uxor ejus arraniaverunt quandam Assisam mortis antecessoris infra libertatem vestram Episcopatus pradict, * coram Lamberto de Trykingham, Guyehardo de Charoun, et Petro de Thoresby per breve vestram versus Galfridum sil. Fohannis le Maschun de Herterpole de uno mesuagio, sex tostis et una carucata terra cum pertin, in Hurcheworth Brian. Ac pradictus Galfridus Fohannem le Maschun de Herterpole intrinserum versus pradicts, Odelivam, Matildam, Ricardum, et Agnet, inde

12 E.3. Vouchee 115. 17 E.3.36. 5 R. s. Trial 54, 13 H 4 Vouchee 39. 11 H.4 40. 18 H.6.33,34. 19 H.6.12.52 21 E.4.8.1Mar. ftar. 2. ca. 2: Rot. Par. 11 H.6. nu. 23. See Rot. Parl. Pafch, & E. T. Rot-5.2 notable record for the liberties of the Bilhop of Durefme.

10 E. 3. 41.

Pasch. 30 E. I.

Northumb. Dunelm. * This was An-

thony Beak, of that state and greatness, as never any Bishop was, Woolley excepted.

Mich. 34 E. 1. Coram rege Rot. 32.

* Justices of the Bishop. Per breve veftrum.

inde vocaverit ad Warrant'. Et idem Johannes ten. pradict. eidem Galfrido warrantizans Simon, filium Simon, de Mora intrinsecum versus cofdem Odalivam, Matild', Ricardum et Agnet ulterius inde vocaverit ad Warran'. Ac idem Simon, eadem ten, eidem Johanni Warranti Zans inde vocaverit ad warran, versus cosdem Odelivam, Matild', Ricardum et Agn. per auxilium cur, nostra Aymerum de Rocheford et Julianam uxorem ejus . Johannem Swayne, et Aviciam uxorem ejus, et Thom. de Fishborn Forein Voucher. juniorem forinsecos, qui terras aut tenementa infra libertatem pradictam aut alibi infra districtionem vestram non habent, per qua per ballivos vestros libertatis pradict. ad warran. illam faciend. distringi possunt, ut accepimus. Nos attendentes expediens effe et necesse quod nos super recordo et processu Asisa pradicta plenius certioremur, ut partibus pradictis, quod justum fuerit in bac parte ulterius fieri faciamus. Vobis mandamus quod inspectis recordo et processa pradict. si vobis constiterit ita ese, tanc recor- si vobi constidum et procesum Asise praditta cum omnibus ea tangentibus nobis sub tecit ita effe. sigillo vestro distincte et aperte mittatis, et hoc breve, Ita quod ea habeamus à die Sancti Michaelis in 15 dies ubicunque, &c. partibus eundem diem prafigentes quod fint ibi ftatur, et receptur, quod curia noftra confideraverit in bac parte, ut nos finito placito marran, pradict, in curia nostra record. et proces, totius negotis memorati vobis remittamus ad procedend. in codem secundum legem et consuctudinem libertatis pradict. T. meipso apud Wynelingfeld 13 die Julit Anno regui nostri 33. Virtute cujus brevis prædictus Episcopus misit recordum et processum in hæc verba. Placita de Asifis apud Dunelm, coram Guyehardo de Charroun et Petro de Thoresby Fusticiar, assignat, associat sibi L, de Trikingham die Martis proxim, post clausum Pasch. Anno regni regis E. 33. et promot, domini A. Dunelm, Episcopi 22.

Asifis venit recognitur, fi Ricardus de Hurcheworth pater Odelive fil, Dunelm. Ricardi de Hurcheworth & auns Matilda de Smynesburne, et Agn. nx- avus Matilda. or. Ricardi Bonche fuit scistus in dominico suo ut de feede de uno mesuagio, sex tostis et una carucata terra cum pertiu, in Hurcheworth Brian die que, &c. Et si, &c. qua Galfridus sil. Fohannis le Maschun de Herterpoole. Et sciendum quod tertia pars predict. tenement, excipit, eo quod prediet. Odeliva alias comparuit in curia, et mode non sequitur pro parte sua, &c. Et Galfridus alias venit et dixit, quod igse tenet pradicta tenementa ad terminum vita sua ex dimissione Fohannis de Maschun de Herterpoole et in forma pradicta vocavit ip am Johannem ad Warran. Simon, fil, et haredem Simonis de Mora, qui modo venit per Sum, et ei warrantiz. Et vocat ulterius inde ad warrant, per auxilium cur, his et cur, domini regis Aymerum de Rocheford et Julianam uxorem ejus, filiam et unam heredum Nicholai de Swynburne, Fohannem Swaine et Aviciam uxorem ejus filiam et alteram haredem pradicti Nicholai, et Thomam de Fishburne filium Christiana cohared. pradicti Juliana et Avicia sum, in Com. Northumbr. Et quia curia ista jurisdictionem in pradict. Aymero et datus est dies partibus bic die aliis warrant. & c. qui exec. Martis proxim. post festum Sancti Facobi Apostoli. Et dictum est pradicto Simoni quod (equatur versus Warrant, suos per auxilium cur, domini, prout sibi viderit expedire, & c. Postea ad diem illum ven. tam predict. Matilda, Ricardus et Agn. quam predict. Simon, Et iidem Matild, et alii petentes petunt quod procedat ad Asisam capiend, per defaltam

Nota,

pradict. Simonis ex quo quod nondum fecutus fuit versus marrantos, &c. Et super hoc idem Simon profert breve domini regis hic de mittendo recordum & processum Asisa pradicta eidem domino rege à die Santti Michaelis in quindecim dies ubicunque, &c. que quidem recordum et procesus, et etiam breve domini regis pradict. qued habuit record. consut. per pradict. Matild', Ricardum et Agnet domine regi mittitur juxta tenerem brevis (ui praditt. Et idem dies prafixus est partibus coram codem domino rege ubicunque, &c. Et pradict. Ricardus et Agn' po: lo: suo pradict. Matild' in placito pradict. &c. Ad quem diem coram ipfo domino rege venerunt partes. et quia conftat per recordum pradict. quod pradict. vocati ad Warran. funt extrinseci, et quod vocati sunt ad Warran, per auxilium curia domini regis qui est superior dominus totius regni, et qui omnibus et singulis de regno suo justitiam facere tenetur, et maxime in defeau aliorum per quorum defectum idem dominus rex vocatur in auxilium; Praceptum eft Vicesom. Northumb. quod summoneat pradict. Aymerum de Rocheford et Julianam uxorem ejus filiam et unam hared. Nicholai de Swineburn, Fohannem Swayne et Aviciam uxorem ejus fil. et alteram hared, pradict. Nicholai, et Thom. Fishburn fil. Christiana coharedis pradictarum Juliana et Avicia, quod fint coram rege à die Sancti Hilarii in 15 dies ubicunque. Oc. ad Warran. &c. Idem dies datus eft petentibus, et similiter pradict. Simoni tenen, per Warrant, in Banco, Gc. Idem Simon po: lo: suo Waltero de Middleton et William de Burgham loquela pradict. Gc. Et quia pradictus Episcopus non misit breve originale simul cum pradict. recordo, & necesse est pradict. breve hie mittat; Mandatum est pradicto Episcopo vel ejus locum tenenti, quod pradict. breve domino rege mittant, ita quod illud habeant ad prafatum Terminum , Ge. Ad quem diem prad. Simon tenens per Warran, wenit; et pradict. Matild' de Smynburn, Ricardus Bouche, et Agnes uxor ejus petentes non venerunt, nec, &c. Ideo pradict. Simon inde fine die. Et pradict. Matilda, Ricardus et Agn, et plegii sui de prosequend in misericordia, Gc.

Pasch. 46 E.3. Coram rege Rot. 42. In an Information against Thomas Bishop of Durham sog a contempt in not certifying a Record, he pleads that he is Comes Palatinus & dominus regalis cujusdam terræ vocat. the Bishoppich of Durham, & habet omnia Jura regalia quæ ad Comitem Palatinum & dominum regalem pertinent, per se, Justic. & ministros suos exercenda.

In this County Palatine there is a Court of Chancery which is a mirt Court both of law and equity, as the Chancery at Westminster: Herein it differeth from the rest, that if an erroneous judgement be given either in the Chancery upon a judgement there according to the Common law, or before the Justices of the Bishop, a writ of Crroz shall be brought before the Bishop himself, and if be give an erroneous sudgement thereupon, a writ of Crroz shall be sued returnable in the Kings Bench.

But now let us lie what we find in our books concerning this County Bala-

Mich. 14 E. 3.tit.

Error 6. F.N.B. 21 g. 8 El,Dier. 250. In a Fozmedon in Durham the tenant pleaded the warranty of the Aunce-troz of the Demandant, with affets in a fozain County, whereupon the Court awarded that the tenant should go quit without day. And the Demandant upon this judgement sued a writ of Erroz befoze the Bishop, and assigned for Erroz, that the Indices awarded that the tenant should goe quit without day, where they ought to have continued the plea by adjornment until the Record had been removed. And so this erroz the Bishop reversed the judgement, and day given to the parties befoze his Justices where the plea was pleaded. At which

which bay the tenant was effoined, and a day given over. At that day a weit came to remove the Accord in the common Bank, and a day given to the parties in the common Bank, and this proceeding of the Bishop was according to the ulage there. And after by the advice of the whole Court a Venire fac. iffued out of the Common Bank to try the iffuc foyned at Durham.

If a man in the County Palatine of Durham bouch a fozeiner to warranty, the 32E.3.vouch.97 demandant may counterplead that the vouchee hath affets within the County Da. 14 H. 6. fo. 3.

latine for the delay.

In a Mitt of Arespasse Des biens emportes deins un certeine ville, the ve. 13 E.3. Voucher In a court of Areinate Des viens emportes deins un certeine vine, the de 165.45 E.3.17. fendant said, that the place where the plaintiff supposed the taking away, is Vid.19 E.3.17. within the franchise of the 18. of Durham, where the Mings Wirit runneth not, 66.198.3 jurif. but is a franchife Kopal Jugement de briefe. Whereunto the plaintiff faio , 29.33E.3.ib.57 that the defendant came in by diffreste, and so the Court feised of the plea. Finch. 45E-3. Vilne 50 den giving the rule of the Court faio, the Court is not in this cafe feiled of the plea, but that spould be where conusance of franchise is challenged, which lieth not in this case, but the Bishop hath franchise royal into which the Kings Whrit runneth not, and therefoze for not denying of the exception the carit abated. Ante the Lown wherein the transcopp trefpaffe was alleged by the plaintiff was willin the County Palatine.

If the tenant vouch two, one within the County Walatine of Durham, and the 19 H. 6. 52. other at the Common law, fummons shall be awarded to the Lord of the County Walatine, commanding him to fummon the vouchee to be at a certain pay before the Justices here to try the warranty: in this case if the tenant recover in value, the Justices thall write to the Lozd of the County Palatine to render in value,

quod fuit concessum.

See Dier 12 El. tobere be that hath jura regalia thall have forfeiture of Bigh Dier 12El.228. Treason, whereof Vide befoze in the Chap. of the County Polatine of Lanc. I which was the

If the one be wouched, and the tenant prapeth that he may be lummoned in Pilkington Bithe County of York, and the County Balatine of Durham, the Botteher fall tand, thop of Durham for if he be fummoned in the County of York, it fufficeth.

Dominus Rex habebit custodiam omnium terrarum corum qui de ipso tenent 39.36 H.6.ib.49 in capite per servicium militare, de quibus ipsi tenentes suer, seisiti in dominico a Prærogativa suo ut de feodo die quo obierunt de quocunque tenuerunt per hujusmodi servicium. &c. exceptis feodis Episcopi Dunelm, inter Tine & Tefe.

1. This exception extendeth not to the body. 2. If the Bifpop did after this is E.3: tir. Li-Statute purchase any Seignozy between Tine and Tele, it extendeth not to that. Yery 29. Satute purchale any Seignozy verween time and refe, it extended not to that.

Glany.li.7.c.20.

Brad.l. 2.fo. 85. as appeareth in our books, contrary to Poles opinion in this cafe.

* The third Chapter of the fair Clatute of prerogativa regis with give the Ring 21 H. 3. 1b. 26.

* The third Chapter of the fair Clatute of prerogativa regis with give the Ring 21 H. 3. 1b. 26.

*Preriegisca, 3

primer feilou, ac. without any faving of the Bifpop of Durefme.

Dir Thomas Gray Buight mag leilen in fee of the Panoz of Chillingham in Trin. 38. Elgin the County of Northumberland holden of the Duten by Buights lervice in Ca- Curia Wardopice, and of the Panoz of Roffe in the County Palatine of Durham holden of the rum. Bifbon of Durham by lanights fervice in Capito, and oled teifed of both, bis fon and heir of full age. And although on the behalf of the Bapop fome prelidents were spewer in like case, pet the two Chief Juffices Popham and Anderson prima facie did hold, that the primer feifon of and for the Manoz of Roffe belonged to the King.

The Lown of Creke in the County of York holden of the Bilbon of Dorham, 22 E.4. jurild. or. fall be impleaded within the County Palatine of Darham, and in no other Pl. 61.

place: and fo is the Manoz of Howden in the County of York.

The ling that have the tempozalities of the Bilbop of Durham, and for a 5 R.s. triall 49. Church that becommeth void the Bing thall have a Quare Impedic.

Dee the statute of 5 El. ca.23 concerning the writes of Significavic and Excom. 5 El. cap. 23.

It was holden by all the Juffices, that if a man be furety for another to keep 11 E.3.49. the peace, and after he breaketh the peace, and the furety hath lands in the Regist, 133.

*13 H.4. Vouch.

County F.N.B. 132

County Palatine of Durham, the King shall command the Bishop of Durham of his Chancelour to doe execution. And so it is in the other Counties Palatines. In the same manner it is of a Statute Siaple, sc. Recognizances, sc.

Vide 5 E. 3. fol. 58. 17 E. 3. fol. 56. Rot. Parl. 7 E. 6. Rot. Part. 7 E. 6. part. 8.

1 Mar. cap. 3.

CAP. XXXIX.

Of the Royal Franchise of Ely.

33 H.8.cap. 10. 5 El.cap. 23.

6

Is divers statutes it is named the County Palatine of Ely. Ling H. 1. in the 10 year of his reign, of the rich Ponastery of Ely made a Cathedrall Church, and of the Abby made a Bishopzich, and foz his Diocesse assigned unto him the County of Cambridge, which befoze was touthin the Diocesse of Linc': In recompence whereof Robert Bluer Bishop of Lincoln then Chancelog of England, had to him and his Successors three Panozs, parcel of the possessions of the Abby, viz. Spaldwiche, Bicklesworth, and Bugden. And soz the Chapter of this new Bishop, he instituted that there should be a Prioz and Covent. But in respect of the Revenues, soz that their principal Panozs were granted away, the number of Ponkes being 70. were brought both to 40. And King H. 1. granted to this new Bishop and his Successors Jura Regalia within the Ase of Ely. But the said Prioz and Covent were in the reign of H. 8. suppressed, and in Cead thereof a Wean and Prebendaries were raised to be the Chapter of the Bishop, and a Grammar School soz a Paster and 24 Scholars.

This royal jurisdiction the Bilhop hath by prescription grounded upon the said grant as well in Pleas of the Crown, as in Common Pleas before his Au-

Mices.

The liberty of the Bishop of Ely hath been anciently allowed by the Court of Common pleas for lands in Wisbich, within the Me whereof a Pracipe quod reddat was brought.

Again, Allocatur libertas Episcopo Eliensi pro terris infra Insulam de Ely prout alias, scilicet in rotulo Martini de Littlebury & sociis suis annis 53 & 36 H. 3. Anno 14 Regis nunc coram Thoma de Wayland & sociis suis. Rem Mich. 16 Regis nunc, Rot. 27.

In trespane the Defendant pleaded an arbitrament made at A. in the Isle of Ely, and thereupon issue was somed, the Plaintist shewed that Ely is a Franchice Royal, and they of the Isle thall not be empanneled out, and prayed a Ve-

nire fac, to the Sheriff of Cambridge.

Lib.int, Raft, fo

Trin.3 E.i. Rot.

62. Coram Ro-

gero de Seryton & fociis fuis Ju-

fticiariis de Bane.Trin. 16

E.r. in Com-

muni Banco

Ror. 89. Cant.

3 M.6. triall 3.

Affue being joyned and the Milne to come out of Ely, the Entry is, Super quo prædict. (querens) dicit quod E. prædict. est infra Insulam Eliens, quod que Episcopus Eliens, talem habet libertatem in Insula prædicta, quod nullus Justiciar. nec aliquis minister domini regis Insulam illam ingredi debet ad aliquod officium ibi exercend. nec liberi tenentes nec residentes in eadem Insula illam ingredi debent ad aliquam Juratam extra Insulam illam faciend. & petit breve domini regis de Venire fac hic 12. de vicineto de Soham, que est propinquior Villa in prædict. Com. Cantabr. extra Insulam prædict. adjacen. prædict. Villæ de Ely ad triandum exitum præd. Et quia videtur Justiciariis hic quod petitio illa est rationi consonans, Ideo præcept. est Vic. Cant. quod venire fac. hic tali die 12. de vicineto illo, per quos, &c.

Sentence was given in the Ecclesiasticall Court in Cambridge, and the Defendant was summened at Hadington in the Me and Franchise of Ely,

46 E. 38.

The Market

as be might be, for where the action is intire, and not several, whereof part is within the Franchife and part without, the Franchife thall not be allowed. As if one take a man in a place at the Common law, and carey him into a Franchile s E 2. conusand and there impelion him, this Court hall hold plea, quia magis dignum trabit ad 68. 21 E. 4. 35. fe minus dignum. Et fic de fimilibus.

In an Action of Account against one as Bapliff of lands in H. and A. and H. is 24E. 3.conulans within the Franchite of the Me of Ely, and becaute the Plaintiff might have 74.20 E. 3. ibid. charged the Defendant as Bapliff of A. and it is no reason that by joyning of them See 23 E. 3. 22.

in one warit to difberit the Bilben of his Franchife, the warit abated.

CAP. XL.

Of the County Palatine of Pembroke.

Dis was an oncient County Balatine within Wales, and the Carl was Ro. Parliamenti, Comes Palatinus, and had Jura regalia, and all things belonging to a Hil. 18 E. 1. fo.6. Comes Palatine, and had jurisegaile, and all tombe of the Totus Com' Pem-County Balatine, but the jurisdiction hereof was taken away by the Totus Com' Pem-Batute of 27 H. 8, cap. 26. the County Balatine then being in the Kings pands. Palatinus, & ha-And for further proof that it was a County Balatine, for the Charter of E. 3. buic cancelet Si-

to Lawrence de Haftings in thele wozds.

Sumis quod formound ferrans ad talem

Rex omnibus ad quos, &c. Salutem. Sciatis quod circumfpectionis & elegan- 37 H.S. cap. 36. Rex omnibus ad quos, &c. Salutem. Sciatis quod circumipectionis & ciegan-tiz przefagium quod ex apris confanguinei nostri charissimi Laurentii de Hastings Carta Regis E. 3 An. 13 regni sui, juventutis auspiciis concepimus, merito nos indutant, ut ipsum in his quz hono-13 Octob. Rot. ris sui debitam conservationem respiciunt, pronis favoribus prosequamur. Cum Pat. 13 E. 3. itaque hareditas bona memoria Audomari de Valentia Comitis Rembrochia (ut m. 12. dicitur) jampridem fine harede de corpore suo procreato decedentis ad sorores suas suerit devoluta, inter ipsas & earum hæredes proportionabiliter dividenda:
Quia constat nobis quod præsatus Laurentius qui diet. Audomar in partem hæ- Note here, that
reditatis succedit est ex ipsius Audomari sorore seniori descendens, & sic perio- the edicas since rum affertione, quos super hoc consuluimus, fibi debeatur prerogativa nominais & homoris, justum & debitum reputamus utidem Laurentius ex seniori forore consultation caulam habens, affumat & habeat nomen Comitis Pembrochiz, quod dictus Ab- with learned domarus habuit dum vivebat : quod quidem (quantum in nobis eft) fibi con- men. firmamus, ratificamus, & etiam approbamus; Volentes, & contedentes ut dictus Pratoganta at Laurentius prarrogativam & honorem Comitis Palatini in terras quas tener de honor Comitis Laurentius præroganvam & nonorem Comins raiatini in terras quastentius Palatini. bæreditate dicti Audomari, adeo pleno, & codem modo habeat & teneat, ficut Palatini. Sicut Audo idem Audomarus illas habuit & tenuit tempore quo deceffit. In cujus, &c. rus illas bab Teste rege apud montem Martini die Octob, Anno regni 13.

sphellige a converte, to a land in Brongio to birefer in Land Abbulling

- Nicorger or on prafacts judiciarits noticis quesclaunduna pragodia-

diemagni, du gracy collect placeta de Consque Partobra ficut cen el debeut. 🕱

d Lucind, reger leinjehight se Navinim, R. e. f. a. h. And each Baue the laine Frauchtes and Atacrifes the figurer des 3 and anemile of the anomal in amount of the compact of the stage of the sta

in indereuspruffus, Tefte, &c. In Dorft Care. Litter in t. more, viz, Winchelley sha Rye Were the see in I find i Wincord Ander the rost A more it is a following the rost A more its a following the rost A more in the second the second with the contract of the rost A more in the rost and a manufacture of the rost A more in the rost and a more in the rost and a more interest and a more interest.

elem te re e folkelerte bend Shepwey. I edeo tibe pre comus quad bac feiri fa-tes bot sulcto de Jerse seewy & babbie de Dongwis, se quad fratejan conque-

Vic North & Son Splerien.

CAP. XLI.

Of the Franchise of Hexam and Hexamshire.

his was sometime parcel of the possessions of the Archbishop of York, and claimed by him to be a Councy Palatine. At the Parliament holden in 2 H. 5. it is refolved that Hexamshire

2 H. f. Cap. 5. 9 H. 5.cap. 7.

8 E.4 cap. 2. 33 H.8.cap.10. 14 Eliz, ca.13. mas a Franchife where the Kings weit went not. And in the flatute of 33 H. 8. it is named a County Palatine.

But at the Parliament holden in Anno 14 Eliz, it was ferioufly examined, and in the end four conclusions were enacted by Authority of Parliament. I. That whiles it was in the hands of the Archbifhop it was tearmed and named a County Palatine, where in right og proof there was none fuch. 2. That it is within, and parcel of the County of Northumberland. 3. That all Pleas of the Crown, and fuits between party and party fall receive like trial, ac. as the reft of the Subjects of Northumberland ought to have. 4. That the Sheriff and other Officers of the County of Northumberland may execute bis of their office, oc. within Hexam and Hexamshire. So as whatsoever it was befoge 14 Eliz, it is now no County Balatine, noz Franchife royal.

CAP. XLII.

Of the Courts of the Cinque Ports.

Domelday. Chent. Lib.Int.Raft. fo.

I the first the privilegged Ports were but three. For at the making of the book of Domesday, which was in the 14 year of the Conqueroz, there are but three names in that book, viz. Dover, Sandwich, and Rumney, and that thefe three in the time of Edward the Confestor mere erone. rated of fuch charges and burthens, as others did bear; after two Ports were above to them by the Conqueroz, viz. Haltings and Hithe.

Bracton who wrote in the reign of H. 3. nameth Hastings, Romnal, Heya, Brad.li.g.f. 118. * Dover and Sandwich to be the Five Ports. Df this number of five were Memorandum thefe Boats called the Cinque Pozts, as it appeareth by a weit which Bracon rebearleth in the fame place, viz.

nit ad Conquestum tempore Willielmi Regis, Bastardi, & in illo Conquestu perquisivit Wardam de Doveria in seodo, & habuit, & renuit toto tempore prædict. Regis Willielmi usque ad tempus Regis Hearici, avi Regis Henrici filii Regis Johannis, & dictus Rez Hen. avus dedit dicto Pharano 60. libratas terræ in escambio pro Doveria, viz. Manerium de Wendovre pro xl. libr. terræ, Kingshull pro x, libr. terræ, & 7 hidas in Eton pro 10 li, terræ. In lib. de Abbathia Miff. fo. 114.

Rex Vic. Norff, & Suff. Salutem. Sciatis quod summoniri fecimus ad talem diem apud Shepwey omnia placita de Quinque Portubus ficut teneri debent, & folent coram Jufticiariis apud Shepwey. Et ideo tibi præcipimus quod hoc fciri facias hominibus de Jernemewe, & ballivis de Donewiz, ita quod fi aliquis conqueri voluerit de aliquo qui fit de libertate vel infra libertatem Quinque Portuum, tunc fit apud Shepwey coram præfatis Justiciariis nostris querelam suam propositurus, & juftitiam inde recepturus. Tefte, &c.

After two moze, viz. Winchelfey and Rye there abbed : for I find a Mecozo Anno I Regis Johannis, quod Winchelfey & Rye debent effe in auxilium Villa de Hastings ad faciend. regis servicium 20 Navium, &c.

And thele bave the fame Franchifes and Liberties that the former bad ; and every one of these tend two Burgelles by the name of Barons of the Cinque Posts

guod Pharanus de Bolonia ve-

In Dorf. Cart. Anno I Re. Jo. parte 3, m. 12,

Ports to the Parliament, as by the Records of the return of them remaining in Chancery at every Parliament both appear. And albeit two be added, get they bold their fogmer name of the Cinque Ports. Thete Ports or Babens do The towards France, and therefoze prudent antiquity probided, that they fould be bigilantly and fecurely kept, for performance whereof thefe Borts babe a fpecial Boternoz oz meper, called by his office Logo Warden og Meper of the Cinque Ports, and is also Admiral, and bath the jurisdiction of the Admiralty amongt them, and is erempt from the Momiralty of England. This Warden fo E. 3. 5. in former times was eber a man of great fibelity, wifoom, courage, and experie ence, for that be had the charge of the principal gates of the Mealm. Be is alfo Contable of the Cattle of Dover, bis jurisdiction as Contable is limited by the statute of Artic, super Cartas, Anno 28 E. 1. which you may read, and the Expo. Artic. super fition thereof in the Second part of the Intitutes.

The Franchife of the Cinque Ports bath ben time out of mind partip by ancient Parliaments, partly by ancient Charters, ac. and confirmed by etpreffe 16,17-36 H. & name by the statute of Magna Carta c. 9. and were made five by William the 34 Fortesc Lib.

Conqueroz.

For the better understanding of our books, it is to be known that there is a great diberfity between the Pzincipaltip of Wales, the Counties Palatines, oc. and the Cinque ports. For Wales was originally no part of England, but Counto Walatines were parcel of the Mealm of England and dibibed in jurisdiction, and the Cinque ports are parcel of the County of Kent, and get ubi breve domini regis non currit, but habe not Jura Regalia, and therefoze regularly no weit of Erroz did lie of a judgement in Wales, otherwife it is in the Counties Palatines. A judgement here of lands in Wales of in the County Palatine is 9 H. 7. 12. boid, but a judgement giben here of lands in the Cinque ports is good if the pri- 36 H.6. 33.34. biledge be not pleaded, for they be part of the County, and the Franchife may be demanded in another action.

And it is to be oblerbed, that within the Cinque Pozts there be dibers Courts. one befoze the Constable of the Cattle of Dover, (whereof tomewhat bath been faio befoze) there be other Courts within the Pozts themfelbes, befoze the Mai-225 and the Juratozs, and another which is called Curia Quinque Portuum a-

pud Shepwey, whereof we fall fpeak hereafter.

If any of the Bings Courts do write to babe a record in the Cinque ports, of 33E.3. jurila.60 for doing of any thing within the tame, the writ that be directed Confrabulario Caffri de Dover, & Gardiano Quinque Portuum, foz be in the immediate Dffiter to the Kings Courts for execution of the Kings writs within the Cinque

Pozts. Foz example:

If a man plead a Record within the Cinque Ports, and the other plead Nul 30 H.6.6 & 7: tiel Record, there shall go a writ to the Constable of Dover to certifie the Record, for the courte is for the Bings Courts to write to the Conftable, and be Call fend to the Barons, that is to the Paioz and Qurats, to certifie him of the Mecozd which is befoze them, and be shall certifie the Bings Court, and so the Conftable is the immediate Difficer to the Bings Court.

Pote, though Boks fag that the Witts shall be directed to the Constable of Regist. fo. Dover, pet the weit is to be directed Conftabulario Caftri de Dover, & Gardiano F.N.B. 80%.

Quinque Portuum.

I man bath a judgement in any of the Kings Courts, and the Defendant bath Regist. fo. no land or gods but in the Cinque ports, the Plaintiff hall habe a West to F.N.B. sob. 23 the Constable of Dover to make execution. And so it is if a man will habe 21 B.3. 49. See furety of the peace against any person within the Cinque Pozts, then be Ball babe a Wazit out of the Chancery directed to the Conftable of Dover, for the Regist. 1932 doing thereof.

*Et quia in quada Carta domini regis nunc continetur, quod omnes querelz ver- 18 E. Los, nu fus ipsos Barones Quinque Portuu apud Shepwey terminari debent cora Custode 115. Inter Ab-Quinque Portuum, Pracept. est Stephano de Penecestr. nunc Custodi quod par-tibus prædictis coram eo certum diem affignet & fac. Justicia complementum. de Port de Fe-G g

Cart.cap, 1. 2. 2E.4.17.17E.4. Int. Raft fo.

* Rot. Parl. And

30H.6.6&7. Dier23 El. 376. Brook. Cinque Ports. 25. Temps H. 8. di- of E. I. verfity des Courts. # Hil. 18E. 1.f.6. Rot. Par.nu. 115 Dorf Clauf. An. 30 E. I. m. 13.

c Curia Quinque Portuum de Shepmey. Nota, this for the ftile of the Court. See Bradt, lib.3. ubi fupra. -

50 E. 3. 5. 33B.3.tic.jurifd.

I E.3. fo. 2. 49 E. 3. 24. II R.z. breve 636. 46 E. 3. 8. 33 H. 6. 4. 8 H. 3. 7. * 39 E 3. 17. 30 Aff. pa. 1. 8 E. 3. 32. 8 49 E.3. 24.

a If an erroneous judgement be giben in the Cinque pozts befoze any of the Maiors or Aurats, it fall be redreffed befoze the Conflable of Dover at the Court at Shepwey, which Court was railed of antient time by Letters Patents

b The Court of the Cinque pozts bolden at Shepwey adjudged the Abbot of Feversham (which Abby was within the Cinque Pozts) for his offence to be imprifoned, for the which the Archbichop of Canterbury caufed the Bings Wint. Hers of Dover to be cited into the Ecclefiaffical Court, oc. The Mecozo faith. Quia secundum consuetudinem regni approbatam, & ratione juris Regii, miniftri Regis pro aliquibus que fecerunt ratione officii fui, trahi non debeant, Rex prohibuit Archiepiscopo Cant. ne molestari faciat ministros suos Dovor, de co quod Abbatem de Feversham pro delicto suo incarceraffent per considerationem Curia Quinque Portuum de Shepwey, &c. The whole Mecozo is worthy ta he read ober; this shall fuffice for the end that I aim at.

Vide Fleta lib. 2. cap. 48. the Hustings apud Shepweye.

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The jurisdiction of the Cinqueports is general, and ertends as well to perfonal actions, as to actions real and mirt, or which touch the freehold, but to it is not in ancient demelne, for regularly that jurisdiction ertends not to perfonal actions.

If a Pracipe be brought of land, part within the Cinque ports, and part without, the whole write fall abate : & fic de fimilibus. * And there is a divertity betwen a Franchife to demand conulans, and a Franchife, ubi breve domini Regis non currit : Fog in the firft cale the Aenant og Defendant fhall not plead it. but the Lord of the Franchise must demand conusans, but in the other case, the Defendant may plead it to the wait.

"The Manoz of P. within the Cinque pozts was holden of the King as of the bonoz of Egle, and escheated to the Ming for want of beir, the Ming granted the Manoz of P. to another. And it is adjudged, that the feilon of the Ming in this case both not make it of another nature then it was afoze; for the privilege

runneth with the land.

CAP. XLIII. anna torsalla alla

The Court of the Escheator, and of Commissioners for finding of Offices, &c.

The gift of the Office of Elchentoz belongeth to the Office of the Lot 14 E.3. cap. 8. Treafurer, who granteth the lame by bis Deth. De is to continue in 3 H. cap ti bis Difice but one year, or once in the years.

For the deribation of his name, bis antiquity, and fome part of this office, fee the first part of the Institutes, Sect. 4. where the ancient Authors, and many Muthorities be quoted : De ought to be feifen of 40 Warks land, ertept Elcheattes in Cities and Counties Palatine.

All Wigits Dziginal of Diem claufit extremum, Mandamus, Devenerunt, Melius inquirend. Que plara, &c. are bireden to bim to find an Dfice tot the Bing after the death of his Tenant, which beld by Bnights ferbice in Capice, of other wife by lanights Derbice.

This Officer in case of Escheats for Treason, Felony, or in case of Mard. fbip, og Pzimer feifon, mag find an Dffice virtute Officii. But in cafe of 3 H.S. cap. a. Marothip, og Weimer feifon, if be finde an Dffice virtute Officii , if the Land, ec. te of the yearly balue of 51. (og above) be thall lote every time be thall fit

Difices found befoge bim virtute Offici, be may return efther into the Court Lib. I. fo. 48 b. of Chancerp, or into the Erchequer, fabing at this day for Callardibips, or Bri. Alton woods. mer feifon, which be muft return into the Chancerpifoz by the Statute of 32 H.8. 4 E. 4. 24. cap. 46. the Court of Erchequer is barred to beal with the fame. And Dffices Scanf.prar.70 b. found befoge bim virtute Brevis, are to be returned by bim into the Chancery.

If he fit by force of a Willit, be ought to take the Inquest within a moneth next 3 H. 8. cap. 2. after the delivery of the Wigit, and be ought to return the fame within a moneth after be taheth it, either by Witt, og virtute Officii.

De Capir, Efchaetria, whereof the Elcheatoz may inquire : and the Statute Mag. Car.s.part De Eschaetriz, whereof the Eicheator may inquire: and the seature fo. 160, 161.

De Eschaetoribus, Anno 29 F. 1. Vide Dier 248, 249. 2 De is accountable pro fo. 160, 161.

akeylw. 6 Ectallis felonum, fugitivorum, & hujusmodi. 2 All Offices found before bins, 02 173. Commiffioners ought to be found by the oathes of twelve men, ebery Juroz to & I H.S. cap. 8. habe Lands, ac. to the yearly balue of 40 s. in the same County, and indented, 3 H.s. cap. 2. and one part by them sealed, and by him the other part, which is to remain with 34 E.3.cap. 13 the Rozeman of the Jury, and to be taken in good Lotons and open places. Foz 36 E.3 cap. 13. fecret Offices are abhogred in Lato, full of beration and harge, and neber habe amd fucceffe.

Beither be noz the Committioners can take any Enquell of inquiry of any 0- 8 H. 6. cap. 26. ther perfons, but fuch as be impanelled and returned by the Sheriff.

If he or the Commissioners thall deng any person to gibe ebidence openly in 1 H. S. cap 8. bis prefence to fuch Enquells as thall be taken before bim for the finding of an 3 H. S. cap. 2. Diffice, be fall fogfeit 40 l. Ifbe, or the Commissioners, or any of them fall refule to take a beroid of the Enquell offering to prefent the fame, be fall lote 100 1. to the party griebed.

An Office found befoge Commiffioners is as fogcible in Law, as ifit bab ben 14 E. 3. 55. found befoze the Cicheatos.

The Elipeatoz ought to take no fie by the Statute of W. 1. but of the king Secthe a part of the life the find an Office by force of any Witt, and according to the same w. 1. cap. 26 to 2 the king, he shall have a see of 40 s. by the Statute of 23 H. 6. but if it be 24 H.6. cap. 1.

18 H. 6.7.

a Keylw. 6 H.S.

18 H. 6. cap. 7.

found i H.s. cap. 8.

foz the Bing, becaufe they are not within the Statute.

33 H.S.ca.33. b 32 H. 8. c. 46. c 5 E. cap. 9. 12 E.4. cap.9. F.N.B. 100,C.

9 H.6. fo. 60.

. The Cibeator finding an Difice tor the Bing by force of any Wirit, not er. ceeding the balue of 5 1. Wall nottake abobe 1 5's, and the Commiffioners can take nothing : but the Matter of the Wards may allow Commiffioners, Coun. fellours, and Feodaries their Colls. 'Abs Citeato; may make Deputies, but inth able men, for whom he will answer, and that have fufficient Lands in the fame County , oc. and the Cafeator hall certife the name or names of bis Deputy or Deputies, under bis Letters Patents into the Erchequer within twenty bayes after deputation made. And no Deputy fall take upon bim to occupy that Deice, ercept the Cichester bath Lands to the balue of 201. And if any Sub-effeatoz be made, not babing fufficient, be may be remobed by the mings mit directed to the Ethertoz De Subeschaetore amovendo.

d E. 3. cap. 4. Regifter 177.

> Af the Cicheatoz, Dub efteatoz, og Commiffioner, return a falle Dffice , an action upon the Cale both lye against them by the party griebeb, although they be Offices of Mecord, belides the penalty of 100 l. by the Starutes of 1 H. 8. and 3 H. 8. f The oath of the Oftheatog erpzelling bis butp, appeareth in the Megifter, fo. 301 b.

21 E.4. 23. F.N.B. 100. C. 1 H.S. cap 8. 3 H.S. cap. 2. 9 H.6. fo. 60. f Regist.f.301 b. g 10 H. 7. 7 b.

E If I be pollelled of the goods of a man outlawed in trefpalle, and I beliber them to the Cheater, I am bildarged, quod Brian affirmavit : fog be faid that the Cicheatog is the Bings Minifter, and chargeable fog the goods.

Talger of the figure reader at a first an Bocker is use Omen, if he Acres Different and being M. of intuite Collect, the propression offer loca the Court to the can of Changer, as into the England, thought on the Cartes Care by mer testan, but his become a curum into rose Albanan : 193 ter ties where se fa H. B. ser fice entire . Gener en edition face en tip ent to been fine french ent new contract en fine en fine en fine a telegrater on the specific or a telegraph of the contraction of the specific or and the contraction of the specific or and the contraction of the specific or an arms of the specific or arms of the specific or

The Cherry of the selection of the selection of the or income of States to the present the confidence will be seen a configuration of the confidence of the

8 11 6. 64. offer the vell nervol that he are be entire to reneral the fame are the collection of the ether enter to consider the constant of section to remain the rame benefits the constant of the cons

taire to good for the weet to the first and the second goods of an area con can 1 H 2 (10.3)

All to the second second second and to the desired of the transfer of the second secon cretiffice are abbett the Matte, Cat by Manen ... Direct and mover have the specific of the control areas rived to the control of the cont

The rest was consequently and the entire entire that the entire the entire the entire the entire ent of elected and Can algenizall be then being gigt. for the fraung of an 3 ff & cip :. The state of the s

saled autificially districted for the contine of the Britishest W. i. has er the wing for maxima The confidence of the second section is the companies of v. 1. That we can be the administration is the confidence of th

7 61 .8 mas . sit t finel.

CAP. XLIV.

Univerfices of Cambr. Or Owfore

Courts in the Universities of Cambridge, and Oxford.

A is true that each of thefe Uniberlities bath dibers Courts, Jurisdictions, Liberal Ares and and Powers, by the Charters of the Kings of this Kealin, divers of Which Sciences are La were not grantable by Charter, but by audogicy of Barliament, which being mind Reighblica. efpp:0, Ducen Elizabeth, (who could (we tpeak it of knowledge) not enely fpeak the Languages of French, Italian, and Spanish, but was learned in the Latine and Bech learned tongues, and ercelled all others of ber Ser in Bnoto. ledge both Divine and Bumane,) for the great labe and fabour that ber Dajedy bare to ber Bigbneffe Uniberuties, and tog the great seal and care that the Lords and Commons in Parliament bad for the maintenance of god and god ly literature, and the bertuous education of youth within either of the faid Uniberfities; and to the intent that the ancient Paibiledges, Liberties and Fraichifes of either of the faid Uniberfities, granted, ratified and confirmed by the Queis Digbneffe, and ber molt noble Progenitors, might be bad in great eft. mation, and be of greater force and frength, for the better increase of learning, and the further suppreffing of vice: It was enaded by Authority of Parliament bolden in the 13 year of her malt profperous reign: I. That each of the Wniberlities should be incorporated by a certain name (albeit they were ancient Copposations befoge.) 2. That all Letters Patents of the Duens Bigh. nelle, og by any of her progenitors or predecellors, made to either of the faid corpozated bodies leberally, og to any of their predeceffors of either of the faid Uniberfities, by whatforber name og names, the Chancellez, Waffers, and Scholars of either of the laid Uniberlities, in any of the faid Letters Patents bad been named, spould be good and effectual, and abailable in Law, to all intents, confructions and purpofes, ac. as amply, fully, and largely, * as if the faid Letters "Note thefe ges Batente were recited verbatim in that act of Barliament, any thing to the con neral brief and trary notwith Canding. 3. That the Chancellog, Patters and Scholars of effectual words. either of the faid Univerfities, and their fucceffogs fog ever, fould feberally babe, bolo, poffeffe, and enjog, and ute to them and their fucceffogs fogeber, all manner of Pano's, ec. and Pereditaments, and all manner of Liberties, Franchifes, Immunities, Duittances, and Priviledges, view of Frankpledge, Law dayes, and other things whatloeber they be, which either of the fato cozporated Bodies had beld, occupied or enjoyed, or of right ought to habe had, ufed, occupied, and enjoyed, according to the true intent and meaning of the faid Letters Patents whatfoeber, any Statute, Law, Mage, Cuffom, og other thing og things, made or done to the contrary notwithstanding. 4. That all Letters Patents of the Quens Bigbneffe,og any of ber progenitors or predeceffors, and all manner of Liberties, Franchifes, Immunities, Quietances, and Ptibiledges, Lets, Law dages, * and all other things what foeber therein expressed, giben og grant. ed to either of the faid Uniberlities, by what name lo eber, be and by bertue of ed to either of the 1810 uninversities, of white and peratute, Law, Winge, Cutton, Note their ge-this Ad thoulo be established and confirmed, any Statute, Law, Winge, Cutton, Note their ge-neral binding &

By this bleded Ad of Parliament, all the Courts, Franchifes, Liberties, Pribiledges, Immunities, oc. mentioned in any Letters Patents, oc. to either of the faid Univertities (which were to long bere to be recited) "that they might Profper in their ftudy with quierneffe, are effablifted, made god and effectual in mergunt quorum Lam, againft any Quo warranto, Scire facias, og other fuits, og any quarrell, concealment oz other opposition whatfoeber. Se the Letters Batents of Ring H.8. bearing date primo Aprilis Anno 41 of bis reign, made to the Uniberfity

* Nota hot.

effectual words Actus benedictus

" Haud facile e-Res vexaba domi.

of Oxford; and other Letters Patents bearing date 26 Aprilis, Anno 3 Reginæ Eliz. made to the University of Cambridge, both which are by express name established and confirmed by the said Act of 13 Eliz. In which Act there is a Sabing to all, other then to the Quiens Pajetty, her beirs and successors. Et sic omnia in turo.

Lauding the Jurisdiction and Comilans of others things belonging to the Mniberlity of Cambridge, the Warliament Moll of 5 R.2. nu. 45, sc. till nu. 66.

The Paioz, Bailiffs, and Comminatry of Cambridge were accused, for that they in the late tumults and upzozes confedered with diversorber mifboers, brake up the Areafury of the Uniberfity of Cambridge, and thereout tob, and burned fundzy the Charters, gc. of the faid Uniberfity, and also compelled the Chancelloz and Scholars of the faid Univerfity, under their Common Seals to release to the laid Paioz and Burgelles, all marmer of Liberties, and also all Actions real and personal, and further to be bound to them in great summes of money : whereupon it was agreed in form following : That one wart fould be directed to the Paioz, Bailiffs, and Comminalty of Cambridge that then were to appear in the Parliament, and to answer, (the form thereof both there appear.) And that another migit in form aforefaid fould be birented to the Patoz and Bailitis that were at the time of the offence, (the form whereof both there appear alfo.) The Paint and Bailiffs that then were appeared in proper perfon, and pleaded not guilty, ne witting thereto; the Comminalty by their Atturneys appeared at the day. The Patoz and Bailidis, that befoze were at the rime of the offence, appeared alfoin proper person, and the faid maior antwered, That he was not privy to any fuch act, but only by compulsion of others, if any thing were therein done; the which the Kings learned Countel then did difprove, as by the Mecoro appeareth. The Burgeffes of Cambridge delibered into the Parliament the faid two Dads fealed by the Chancelloz and Scholars, the one Ded contained a release of all Liberties and Pzibiledges, with a Bond of 3000 l. to releafe all fuits against the said Burgestes. The other was a Releafe of all Actions real and perfonal, as there both appear. Myon the reading of which two aceds, they both were commanded to be cancelled for the causes aforefaid. After this the Chanceller and Scholars aforefaid by way of petition, and in form of fundry Articles exhibited, the wed the biginning and whole discourte of the faid Paioz and Bailiffs effectually and largely. Whou reading of which bill, it was demanded of the faid Burgeffes what they could fay, wherefoze their liberties late by the Bing confirmed fould not be feifed into the Bings bands as forfeited. They require 3. things, viz. 1. A copy of the bill. 2. Councel, and 3. refpite

to antwer. To the copy of the vill was answered, that sithence they heard the same, it should suffice, so, by law they aught to have no copy. To Councel, it was said, that wherein Councel was to be bad, they should have, wherefoze they then were appointed to answer to no crime or offence, but only touching their liberties. After many dilatory shifts and subtersuges, the said Eurgestes touching their liberties only, babing no colour of desence, submitted themselves to the Bings mercy of grate, sabing their answers to all other matters. The King thereupon by common consent of the Parliament, and by suthority of the same, seised the same liberties into his hands as soziested. And after the King granted to the Chancellor and Scholars asozies hothin the said Lown of Cambridge and Suburbs of the same the Assie, constance, and correction of Bread, Ale, weights, Peasures, Kegrators, and Forestallers, with the sines and americaments of the same, picioing therefore yearly at the Endequer 101. And certain liberties the King after granted to the said Palor and Bailiss, and increased their some sectors.

This Unibersity of Cambridge bath power to print within the same omnes & omnimodos libros, which the Unibersity of Oxford bath nor. De a notable re-

cord in Parliament 13 H. 4. concerning the University of Oxford, by the which it was becreed a adjudged by authority of Parliament, that the Popes Bull Could not impead, or after the right and cultom of any thing concerning that University

fire, and therefore was bifillowed, to fong to be bere interteb.

Note (prob do lor) the ancient Charters, Records, &c. of the University of Cambridge; burnt by Rebels.

Nota, by A& of Parliament, Vid. Ror. Parl. 8 R. 2. nu. 11. Nota, Suburer Proverth a City. Nota, the prioriby of the grant to the University.

Rot. Par. 13H.4.

The Courts of the Stanneries in Cornwall and Devon and police to the best of the

or Common Bleas to reverte our form The file of the Court of Stannery is, and alwayes bath ben, Magna Coria The Stile of Domini Regis Ducatus fui Cornubia apud Crokerenton in Com: Devon, the Court. coram A.B. Custode Stannariz dicti Domini Regis in dicto Com. Devon, The Officers of this Court be the Steward, Under-warden, ec.

It is called Stannaria à Stanno, because the Logo Warden bath furifoidion of The Officers all the Tynne in Cornwall and Devon. Tynne is a Saxon wood, and deribed à tinnitu, and the Tynners are called Stannatores,

The furisdiction of this Court'is guided by fpecial lates, by Cultomes, and The jurifdiby prefeription time out of minde, which to far as we finde it to be allowed by the flion. refolution of the Budges, og by Ad of Parliament, we will recite.

In Cancellaria apud Westm. coram Nicho: Bicon milite Custod. Magni Sigisti Sec. Angliz pro Stannatoribus, die Veneris, viz. 14 die Novembris Anno regni Elizabethæ Reginæ Quarto. Inter Martinum Trewynarde Quer, in Cur. Stannar. com. Cornub. & Johannem Killegrew & Georgium Trewynard Defend. during the angular this profess that the their

See the firft part of the Institutes,

Withere the 14 day of Ochober laft paft, the matter in queffion touching the Mich. 4 Eliz. in the parties of officer of direct as the liberty of the parties of officer. allowing of disallowing of wiltes of Erroz, as well between the parties atore laid, as also for and concerning all other waters of error touching all causes be cale. terminable in the Stannery Court in Cornwall, was by the older of the Lord Reper of the Great Seal of England committed to the bearing and gramination of Dir William Cordel Enight Pafter of the Bolls, and Dir James Dier Enight Chief Juffice of the Common Pleas, and Juffice Westons to the intent upon the due confideration of the cause they hould make report unto the faid Lord Rieper of their opinions and proceedings therein, as in their judgements fould them most agreeable to justice and equity: who having accordingly trabelled di-ligently for the understanding of the truth of the premites, upon the deliberate bearing and examining of the cause in the presence of the Councell learned of both fides, and upon the perufing and confideration of the ancient prefriptions, customes, liberties, and Charters erhibited by the faid parties concerning the premifes, babe this day made their report unto the faid Lord Rieper as follows eth, That is to fay; That foz as much as the faid Plaintiff could not, noz did not thew forth any Mecogo or prefident, whereby any judgements or executions No Writ of Erberetofoge palled in any of the faid Stannery Courts babe ben reberfed by Watt ror lyeth upon of Erroz in any of the Queens Majecties Courts of ber Benth og Comman any judgement Pleas: And for that it appeareth unto them that divers and funder inconveni, in the Stannery encies were likely to enfue by allowing of furb Witits of Groot, and upon other Vide Simile cautes and confiderations them especially mobing: Abey in their opinions think Dier 23 Eliza it not met noz conbenient that any Wizits of Erroz, fould paffe og be luffered fo. 376. in fuch case to reverse any of the said judgements or executions. Upon which But judgements report made, It is this day ordered by the said Lord Rever of the Great Seal, that he will be reversed by Appeal, as in the Widge perfect of the Stanners as a said the More of the Stanners as a said the made against the Lord the next page marden of the Stannertes afozefaid, his Officers and others mentioned in the appeareth. fame, concerning the not allowing or not executing of any wait or waits of Erroz: and all and fingular the contempts contained in the same Deder supposed

by them to be committed, concerning the not allowing of not executing of any until upon further soft Dramieries, of upon tome of permited and being the fair and courts of Dramieries, of upon the fair and the fair plaintiff for their executions had of to be had in any of the fair Stannery Courts according to the tailom of the faire Courts dithout let of impeachment of any unfirth of any of the fair Courts of the kings Bench of Common Pleas. And that from henceforth, no unfir of unfirth of the faire Courts of the faire of the faire, or faire funds of Ptanneries derectors given, of hereafter to be given, until upon further confideration of the ancient grants and liberties of the faire Courts of Ptanneries, or upon tome other lufficient cause of matter, it shall be otherwise of ptanneries by this Court of the Chancery.

Mic. 7 Eliz. Rei ginz in Camera Stellara, 29Nov.

In Camera Stellata apud Westm. coram Concilio ibidem die Mereurii, viz. 29 die Novemb. Anno regni Dominz Eliz. Dei gratia Reginz Angliz, Franciz, & Hibernie, fidei defensor. &c. Septimo, 1564.

authere a matter in bariance bath bein beretofoze mobed, and depending in this bonourable Court, between Martin Trewynard plaintiff, and John Raskarrock, William Gilbert, John Killigrew the pounger, James Drewe, and other defendants by two feberal Bills exhibited into this Court, whereof the last Bill containeth no other matters of effect being not mentioned in the first will . other then the taking of certain cattel of the faid complainant and others. And where also it appeareth this present day, that the taking of the said cattel was by certain of the said befendants lawfully authorised for that purpose by the Steward of the Stannery Court of Penwith and carried into the County of Cornwall for an execution upon a condemnation by sudgement had in the fain Court against the faid plaintiff. Louching which condemnation the faid complainant bath complained as well in the Court of Chancery by Bill, and in the Rings Bendi by Walt of Great, as also in this Court, as appeareth in the first of the faid two bills here depending, meaning by tome of these wages to call in question the ballbity of the said judgement, and was out of the said seberal Courts by ezber biftbarged and difmiffed, referring the proceeding upon the fail inogement to the order of the faid Stannery Court, according to ofbers Dedinances by bibers ancient Charters, cultomes, and liberties belonging to the Deannery ratified by Act of Parliament. And where it both also appear that the taking of the faid Cattel, whereupon the faid tall Bill in this Court is exhibited was only for the execution of the faid recobery. And tobere allo it both further appear, that by the Lates and Dedinances of the faid Stannery (if any fuch cause of complaint be ministred) the same is to be redzelled by appellation in teberal degrees, viz. first to the Steward of the Stannery Court where the matter letb , then to the Underwarden of the Stanneries, and from bim to the Lozd Marden of the fame Stanneries : and for default of Juffice at his bands, to the Princes Priby Councel, and not eraminable either bere in this Count or in any other Court. It is therefore this prefent day ordered, that the faid feberal Bills of complaints, and the faid defendants named in the fame, with all the causes therein mentioned, be forthwith dismiffed out of this Court to be de termined according to the faid Laws and Dedinances in the faid Stannery, and not elfewbere.

Erroneous jadgments in the Stannery are to be reverfed by appellation, and to whom this appellation shall be made.

The Converted Sandaries Ord T Capida

Durb Charteets, Records, and Ads of Parliament as we have oblerved can

The resolution of all shedudges shartere of his Majesties Lesters I to never Term Mich.

ing the Stanneries in Devonshire and Coenwalt upon the hearing of the Hart Regis.

Council Learned of both particular fewers days, and take noull be alloged. See Inflated and and the word on either party. and approvists and acting to the follower pro-particular in the Courts of the Stanneries bould infollowed finite lacing in the Courts of the Stanneries bould infollowed finite lacing in Act Latter many and the Stanneries bould infollowed by and in the Courts of the Stanneries bould infollowed and in the Courts of the Stanneries bound in the Figure 2 and in the Courts of the Stanneries in the Figure 2 and in the Courts of the Stanneries in the Figure 2 and in the Courts of the Stanneries in the Figure 2 and in the Courts of the Stanneries in the Figure 2 and in the Courts of the Stanneries in the Figure 2 and in the Courts of the Stanneries in the Courts of the Stanneries in the Sta de Apulta Sindel & successoribus susse de de para de para para para para manuel para sono de la la canos sus sus sus sus sus sus sus combers de la conference Bis Devon. & Cornub. Habendum sibi & successoribus suis cum compilus libercare.

beout ain ere medilesettolluss desarelle disor un onde, netwipe de un itais network and elements of the entropy of the entropy

Secondly that all matters and things concerning the maniety of control of the land; and the best of the work of the land of the land of the country of the culture of the lame time out of mine desired on the land of the lan

Whirsty, that all traditory actions between Wyanes and Wyanes, in Michele and Mother (though the cause be Collaserall, and not personning everys to the entrame of the late Cours, at before cause of Action whethe out of the Stanneries if the vetendant bestime within the Seans fued at the Commontant at the election of the Publice But only be a Lynner or Morker, and the coule of Action being wall terall so the Dramery bo rife out of the futo Beameries, then the ne by the cultome and ulage of thole Courts plead to the jaribiation of the Court, that the cause of action bir-rife out of the Socameries and the jurifoicit Courts, which by the cultome of the Court be augus to plead in proper perfoit his? on part. And if fuch please the nicitointion be not allowed, then a po in that cale is to be grainer. And if in that cale the Defendant be come to please to the autibilition of the Court upon his early be dughends to be attelled eauthor redecided ver moralisty at the luit of any labour industry Colpositions by other place absence the late Courts of the Standard that be clear helder out? In a majora

petoje mentiones, individual riory but, blev and another de decidence of the Court in the Court and judgement is given, and the body of the defendant laken in execution the ty cannot by law have any action of falle impationment, but the execusion is good by the custome of that Court. But it in that case is doth oppear by the plantifes own the custome, that the contrast of cause of action was made or the plantifes on of the Stannestes, and the intitionation of the Courts, or it is appear by the countries on of the bond indestributed the appear by the countries on of the bond indestributed by appearing the condition of the bond indestributed by the condition of the bond in my plant our of the instituted by hose species, when all the year executings in such cases upon the master appearence, appearence in the cases upon the standard of the second of the cases upon the second of the cases filchler we are al openion, that no vennungle to consure a process of many of form, but only for his first and a process. In his action, be hanged that for words taken being will bear no action. It say action of both unous consume stating the entirely of Administrators, as likely like: in luch cates a benutiver man be uno the matter. And that one proceedings there must be according to the through the matter. And that one proceedings there must be according to the through the matter. And that one proceedings there must be according to the through the matter. And that one proceedings there were given the through upon any suggested that of which we have a proceeding the constant of the constant of the constant of the constant manuaccustometric of a large and the second manuaccustometric of a large and the constant of the

Sierblin chan the Country of the Schupery date new very jubilities on for the of articipation is locall, rilling out of the Atannaries in the Atannaries of the incident to any caule of articipation by the decall rilling out of the Atannaries (is matters of the member and pleas of their are by expecte mother expects in their a parties of the member and pleas of their are by expecte mother expects in their a parties of the members are pleased in their analysis. Wide lith mer. Conertal por nin Prohibition & ford a way to in thereis vide

Map. & johan.

to E. z. Inquil. a. na. :9. Rot, Pat. 1 H. 2. .. . 157 " She was the daughter of Ay-

Earl of Angolefme. a Rothing H g. B Kot. Pat To H. 2.m.g. KRos. pet. 33 E. 8

The liberties and priviledges or the Tinners. dPl. co. 327,128 erg E. t. inthe Trealury. ! Rot. Par 4 E. 2.

g 1 : E. g. pait. 1. Rot. Par. st. E.3 Vide Rot. Pat. 26 Apr. Anno 7 E & Giben Brockhouse. bRot. Par, 40 E. ?

holden the Monday after the Feaft of S. Grie" She was the daughter of Ay-

mer Earl of An-Bolcime.

and priviledges of the Tinners.

Treasury.

Such Charters, Records, and Ads of Parliament as we have observed condill and Feening the Deannery, we will according as we have hone throughout this ienes in Devemfiere and Ce.eino quist siral ni britten glimer . Inc. Regu.

In Regiftre E. Johannet dei gentie Ren Auglie, &c. Sciatis quod intuiru Dei, & pro falute picopi fixon anume noftre dedimus & conceffinus , ac prefenti carta noftra confirmavimus This was limen Deo, & Ecclefic benti Potri Exon, & venerabili patri Sigiopi Exon, Epifcopo de Apulia, fatt & fuccefforibus fuis Exon, Epifcopis Decimam de antiqua fixma Stanni in Com, Denof York, & confecrate Bia Devon, & Cornub. Habendum fibi & fuccefforibus fuis cum omnibus libertati-& confecrate Bis Aconfectate bis

Aop. 3 Johan.

Dus & liberia confuctulinibus ad cam perunentibus per manus ilius vel illorum

10 E. 2. Inquif.

2. nu. 29.

Rot, Pat. 1 H.3.

difficultate aliqua habere faciatis * Habella Regina matri nostra Stangeriam

Com. Devon cum Cunes & omnibus pertinent. Telte Com. Marefebello, &c.

marcas. Simile Anno 5 H. 3. Rot. finium: daling la un un

There secunfoiste quod commitmus Rico, dilecto fratri nostro Stanneriam

& Rot.fin.4 H. 3. Rot.pat.33 E.1 The liberties bate 10 Applie Anno 33 E. s. the one materal emendationem Stannariarum nofire sum in Com. Devon and the other ad amendationem Standariarum nostra-rum in Com. Connubir 3 4 which you may read at large in Pl. Com. of These Charrers were allowed in Anno 35 E. T. dPl.có. 327,328 e. 35 E. I. in the

The Charter of 33 E. 1. was confirmed to the Tynners of Devon' de verbo in verbum, and the like in h E 3. and 17 E 3.

by applies of his Councell concerning Tynne:

13. Essee mane to Tidenton de Linberghe de Cunegio Scanneriz & de emptione toting Stanni in Com. Devon. & Cornub, pro fine mille marcarum & 3 500. marcarum reddicus Thele were things bone de facto, but let us euen our felben to that a which hath the force of a law, viz. An excellent veclaration, limis tation and Expolition of the late Charters of 33 E. 1. that was made in the Parliament holden in An. 30 E. 3 by authority of the fame, but never princed, which we have fet nown in her verba, to the end that no fyllable of the fame flould be amitted I it is enaced as followeth. It was to good all one more and any many

pearing to late have any action of falle imprisonficint, but the effects

A tresexcellem & tresectout Seignour le roy, supplie sa poure Commune del County de Décumphire que sur please per l'auris des Prélats, Countees, Barons, de auters sages in cest présent Parliament ordeiner remedie de ces que les Estaynors, et les Manistres des Estaynory des dis Country ont long temps als dit Commune fibien at Seigneurs come as autres fait ; et font de jour in untre dis Commune fiesen as Sorgments come as autres fast, et font de jour su autre disorfec extertions, opprofison et grievantes per colour de las Frinchiles o eux puntes per les Charires milité Sciencur le roy, et de ses progenitors encontre la 1840 et le purport des disz. Charires, et per sour malveis interpresante dise la set que les disz. Charires et les Franchises comprises en ycelles huslent langues destantes, autres en article fi qu'a Commune du dit county puisfages fire apparantement a quelles, et que cest declaration soit mys en record. Et si nut article y soit en les disz. Chartres que touche customes ounsages, que plate en nostre des Solutions le Roy d'ordeiner et mander en brief temps sufficants. Fustices Scieniours et ainres après de la leya celles parises den-parter des litres castomes de plages, et quils eyent popur d'oyer et terminer las les tantistacies, cantederations, alliannées, champerties, exterizons, op-pressons, grievances, fauxines et maintenances qu'eux les ditz Estenners et lour Ministras out fait a la dite Commune, on a mulde ense qui plendre (a sorra, et ce auxi bien al fuit le roy, come de la party entendants que le roy nossie feire migr

Rot. Pat. 4 E.z. g 12 E. 3.part.1. nu. 17. Rot.Pat.ar E.3 Vide Rot. Pat. 26 Apr. Anno 7 E 6. Gilbert Brockhouse. &Rot.Par. 50 E. 3 helden the Monday after the Feaft of S. Gregory.

nior ent gaignera molt, et d'autre parte se remede ne lour y soit ore fait ilz serront en brieso temps pur la griender party disberites et destruitz a toutz jours, que Dieu ne voilla. Le tenour d'ascuns des articles de les dites Chartres que lour besoignent de declaration sensuent en apres premerement,

Ceftafsavoir.

Sciatis non ad emendationem Standar, nostr. in Com. Devon. ad tranquillitatem & utilitatem Stannatorum noftrorum prædictorum earundem concessisse pro nobis & hæredibus nostris, quod omnes Scannatores præd, operantes in Stannariis illis quæ sunt dominica nostra, dum operantur in eisdem Stannariis liberi sint & quieti de Placitis Nativorum, & de omnibus Placitis & querelis Curiam nostram et hæredum nostrorum qualitercunque tangentibus, Ita quod non respondeant coram aliquibus Jufticiariis vel Ministris nostris seu baredum nostrorum de aliquo Placito seu querela infra prædia. Stannarias emergentibus, nisi coram Custode nostro Stannariarum nostrarum prædictarnm qui pro tempore fuerit, (exceptis placitis terra, vita, et membrorum) nec non recedant ab operationibus fuis per fummonitionem alicujus ministrorum nostrorum seu hæredum nostrorum, nisi per summonitionem dicti custodis nostri. Er quod quieti fint de omnibus tallagiis, theoloniis, stallagiis, auxiliis et aliis custumis quibuscunque in Villis, Portubus, Feriis et Mercatis infra Com, prædictum de bonis suis proprus, etc.

Sur quoy plese declarer si autres persones que les Estainers everants in les Estaynersis averont et emoyerent la Franchise grante per la dite Chartre au roy desicome la dite Chartere voet, quod omnes Stannatores prædicti operantes in Stannariis illis sint liberi, etc. Et autres persones que les overoirs, cestascavoir lours maistres que les lovens et lours servants et autres elymont mesme la Franchise. Et auxint plese declarer si les ditz overors y averont les Franchises en autre temps que quaint ilz averont in mesme? Esteynery, desicome la Chartre voet dum operantur in eisdem Stannariis liberi

fint, etc.

Endroit de les dites paroles. Operantes in Stannariis illis, et dum operanrantur in eisdem Stannariis, soient elerement entendus, de operariis laborantibus duntaxat in Stannariis illis sine fraude et dolo, et pon de aliis, nec a-

libi laborantibus,

Item soit declare si mesmes les overours averront mesme les Franchises tant come ils averont aillors que in les desmesnes que seuerent au Roy laiell nostre Seignior le Roy que ore est. La quel Roy Ayell lour grantast la dite Chartre au temps del dit grant des Franchises descome la Chartre voet, quod omnes Stannatores pra dicti operantes in Stannariis illis que sunt dominica nostra, dum operantur eisdem Stannariis sint liberi, ect. Et ilse elayment d'avoir sout soit il einsi quils overont aillours qu' en les dites desmesses le roy layel.

Endroit de cest article pur ce que il y a une autre article en mesme le Chartre, que lo ir donne conge et licence de sover, In terris, moris, et vastis ipsius domini regis et aliorum quorumcumque in Com. prædicto, et aquas, et cursus aquaram ad operationes Stannariarum prædictarum divertere ubi et quotiens opus suerit, et emere buscum ad suncturam Stanni, sicut antiquitus sieri consuevit, sine impedimento domini regis, hæredum suorum, Episcoporum, Abbatum, Comitum, Baronum,

Hh 2

seu diorum quorum cunque, &c. Il semble un besoignable chose en ce case que lour cultumes & usages soient diligemment enquiz, & qua le Gardeine de Lessente loit charge que il ne soestre nul overour del dit Esteynerie sover en prees, ne autry bojs, neve abate dutry bojs ou autry measons, ne bestover eaux on cours de eaux per malice. Et si per case le dit gardein se y vorra excuser que les dits Esteyners no voiltens oberre u ses maundements, necesser lour malice pur luy que tant tost il se sate monstrer al grand conseil le roy, & due & hastive remedy ent serva ordeignes.

tem soit declates in specialt comen les Justices que ore seront assignes d'alter celles Marchers pur ent faire la dite enquirere prendont lissue du pais si assun y chiete entre parties, & coment ceste article precedent touchant les custumes et usages essoit uses devant la sejaunce de lu dit Chartre l'aicl, et per queux cents tielle issue serviries, cestascavoir le quel per soiens solement, ou

per Estaynors feulment, ou per ambideux, &c.

Endroit de cest article, en soit la vys pris du grant conseil et y soient les records en Eyre si nulles y soiem, et autres evidences et remembrances deins le trealory le roy et aitlours, et auxint les remembrances des seigniors queux y ont estre pur le temps serches et duement examines, et auxint soient les liures et evidences quelles les dits Estaynors ent ont envers eux venes et regardes, issint

quele y purrate mietez wenir at droit verity.

et sorein de querele sourdant aillours que in les lieux ouilz sont overants de sicome la Chartre voei, quod custos noster prædictus vel ejus locum tenens teneat omnia placita inter Stannatores prædictos emergen & etiam inter ipsos & alios forinfecos de omnibus transgressionibus, querelis, et contracti bus factis inlocis in quibus operantur insta Stannarias prædictas similiter emergen, &c. Quar il tient plee de tieux quereles sourdants chascune parte deins sa dit connte.

Endroit de cest article. Se ont extende la jurisdiction clerement solon les paroles del dir Chartre, cestassavoir, In locis ubi iidem operarii operantur,

et nemi aillours, ne en autre manner,

Item plese dectarer de ceo que la dite Chartre voet einsi. Et si qui Stannatorum prædictorum in aliquo deliquerint per quod incarcerari debeant per custodem prædictum arrestentur, et in prisona nostra de Leidsord et non alibi detineantur, quousque secundum legem et consuetudinem regni nostri deliberentur. Et encest case que Esteinor soit prise par felony et liverez au Gardein, il est suffert sovent aller a targe de quoy grand perill avient moult de sois et aussi de ceo que la deliverance del dit Gaole nest passe sait une soiz en dis ans. Et que pis est per colour de mesme ceste article le dit Gardein prent hors dautre prison les emprisones pur arrerages sur accompts, et les orette a Lydesord ou il I sont in tant sovores quilz my sont sorce de jaymays sur pree alour seinior.

Endroit de ceste article en soit enquiz diligemment devant les Fustices que ore I serront proschémement assignes denquerre per quelle authority ilz y sait einsi de puis que en mesme la Charte sont exceptes per specialitoutz plees de terre et de vie, et de membre, et celle enqueste retourne soit declare en especiali sil

bufoigne.

⁻²¹ And according to this Ad a Commiffion iffued out in thefe Blogbe.

Ro.Pat.5 E.3. Edwardus Des gratia Anglia et Francia rex et dominus Hibernia dilectis

lectis & fidelibus fuis & Guideni de Brian & Johanni de Mantegne, Robente metwere Barons de Belknap, Hagene de Segrave, Henrico Perchaie, & Waltere de Clopton, & Lords of Par-Salutem. Cum dominus Edwardus quondam Rest Anglia Avus nofter per liament, and fat Cartam fuam quam sonfirmavimus ad emendationem Stannariarum fuarum ament of 50 8.3 in Cam' Devon' ad tranquilitatem, O utilitatem Stannatorum fuorum earundem concesseratoro le de haredibus luis, quod omnes Stannatores pradicti operanies in Stannaries illis qua fuerunt dominica (ua, dum operenam in eildem Stannariis essent liberi & quieti de omnibus Placitis Nateworum, & de omnibus Placitis & querelis curiam [nom & hardum fueram qualitercumque cangentibus ... Ita qued non responderent coram aliquibus fusticiaries vel ministris ipsius Ave nostri vel haredum fuorum de aligno Placito vel querela infra predictas Stannarias emergen nife corum cuftode Stannariarum pradict arum qui pro tempore fuerit : (exceptis Placitis serra, vita, et Pleas of land. membrarum,) nec recederent ab operationibus suis per summonitionem aliquo- life and member rum ministrorum dioti Avi nostri fen haredum faorum nife pen fummonitio- are excepted. nem communem dicte Cuftedis, or quod quieti effent de omnibus tallagiis theolonis, auxilies, failagies, et alies cuftumis quibufcunquein Villes, Portubus, Feriis et Mencatis infra Com pradictum de bonis (nis propriis. Concofsense etiam en dem Stannatoribus quod fodere pofsant Stannum et turbas ad flanoum fundandum abique in terris, moris et auftis (nis et alio um quorumounque in Com predicto, et aquas, et carfus aquaram ad operation nes Standariarum predictarum divemere, whi et queties opus fuerit, et emere bufcam ad fundiuram Stanna ficut antiqueins fiers confuevit; fine ima pedimente ipfius Avi noftri vel heredum fuerum, Episcopersial Abbatum, Priorum, Comitum, Baronum, few aliorum quorumcunque, Et quod cuftes pradictus vel ejus locum tenens teneat omnia Placita inter Stannatores predictos emergented, er cteam inter ipsos et alies forinfeces de omnibus transgressionibus querelis et contractibus factis in locis in quibus operentur infra Stannarias pradichas similiter emergen, et quod idem cu-Star haberet plenam potestatem ad Stannatures predictos et dios forinsecos in bujusmode Placites justiciundi et partibus fustitiam faciend. pront juftum, et prius in Stannariis illes fuiset afratam. Et fi qui Stannaterum pradictorum in aliquo delinquant per quod incarcerari deberent per suftodem predictum arrestarentur, et in pres na de Lydeford, et non alibi custodirentum, et deliverentur , quousque secundum legem et con-Suctudinem regni Anglie deliberarentur. Et fi aliqui Stannatorum predictorum Super aliquo facto infra Com, predictione non tangente Stanna rias pradict; fe posucrint in Inquisitionem patrie, una medietas Juraso. rum Inquisitionis hujusmodi effet de Stannatoribus pradictis et alia medietas de forinfecis. Et de fasto totaliten tangente Stannarias pradietas ficrent inquisitiones sient fieri consucverint, ficut per inspectionem rotulorum Cancellaria nosta nobis constat. Ac etiam ex clamosa infinue atione tam magnatum quam Communitat. Com, pradict in prafenti Parliamento noftro graviter conquerentium ad noftrum pervenerit auditum, quod tannatores pradifi ac officiarii, balivi et miniftri diet. Stannaria Cartam pradictam pro libito fua voluntatis interpretantes, et debitum intellectum ejuldem Carta pervertentes, et etiam excedentes, as quidam alii in magno numero asserentes se fore Stannatores cum non fuerint, habitis inter eos conspirationibus, confæderationibus, et allegantiis, quamplurima extorsiones, oppressiones, falsitates, deceptiones, Cambipartias.

partias, ambidextras, manutenentias, transgressiones, damna, gravamina & excessus diversis subditis nostris diet Com' colore Carta supradi-Eta per plures vices fecerunt, et indies facere non defiftant in noftri contemptum & ipforum conquerentium grave prajudicium, diet Com veri-similem destructionem et eversionem manifestam. Nos affectantes singules subdites nostres sub quiete et debite regimine gubernare, et nolentes tanta maleficia, fi per pradict. Stannatores, Officiarios, Ballivos vel Ministros, ant alios quoscunque perpetrata existant, aliqualiter transire impunita; Affignavimus vos, quinque, quatuer, tres et duos veftrum, (querum vos prafat. Robert, unum effe volumus) Jufticiaries noftres ad inquirendum per facramentum proborum et legaleum bominum de Com pradict, tam infra libertates quam extra, per quos rei veritas melius feiri poterit, et aliis viis et modis quibus melius fore videritis de quibuscunque conspirationibus, confæderationibus, alligantiis, extortionibus, oppressionibus, falsitatibus, deceptionibus, cambipartiis, ambidextris, manutenentiis, trangressionibus, damnis, gravaminibus, et excessibus per quoscunque Stannatores vel alios in Com, pradict. factis, et per quos vel per quem, quibus personis, ubi et quibus temporibus, qualiter et quomodo, et de aliis articulis et circumstantiis pramifa qualitercunque tangentibus plenius veritatem; et ad pramifa omnia et singula tam ad lectam noftram quam dictorum conquerentium et corum fingulorum et alierum querameunque pro nobis, aus pro scipsis prosequi volentium, audiend. et terminand, secundam legem et consuctudinem regni nostri Anglia : Salvis semper dilfis Stannatoribus liberatibus et privilegiis eis per Cartam pradictam concessis. Et ideo vobis mandamus qued ad certos diem et loca quos vos, quinque, quatuor, tres vel duo veffrum (quorum vos, prafat. Robert, unum esse volumus) ad hoc provideritis diligenter super pramifa faciatis inquisitiones; et conspirationes, confæderationes, alligantias, extortiones, oppressiones, falsitates, deceptiones, cambipartiat, ambidextras, manutenentias, transgressiones, damna, gravamina, et excessus pradicta andiatis et terminetis in forma pradicta, fatturi inde quod ad justitiam pertinet, secundum legem et consuetudinem regni nostri Anglia. Salvis nobis amerciamentis et aliis ad nos inde fectantilus. Mandavimus enim Vic. Com. pradict. quod ad certos diem et locaques ves, quinque, quatuer, tres vel die veftrum (querum ves prafat, Robert. unum effe volumus) ei feire fac', Venire fac' coram vobis quinque, quatnor, tres vel duobus vestrum tot et tales probos et legales homines de baliva sua tam infra libertates quam extra, per quos rei veritas melius sciri poterit et inquiri. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste me ipfo apud Westm. Sexto die Fulii, Anno regni nostri Anglia 50. Regni vero nostri Francia 37. Per consilium in Parliamento.

Wur what was done upon this Commission we have not pet found.

The laid Charter of 33 E. 1. to the Tynners of Cornwall mus confite Rot. Par. 8 R. 3. med.

And the Charter of 3 3 E. 1. to the Tyuners of Devon, was also confirmed,

Rot. Pat. Anno & The like confirmation to the Tynners of Devon.

Dee the Catnte of 11 H. 7, ca. 4. concerning Curage and Weights.

Rot. Pat. 3 H. 7. It was refolved by the whole Court that Stannum, Thu, otherwise Whites Mich. 4 Jac. In lead, not black lead, not any other base metall oid belong to the King by his Camera Stellata Precognitive, as gold and filter do, albeit there may be tried out of the base metal

metall note or filber, but that is as the feet or firength of the hafe metall, which being ertrages becomes befentie.

There be five kindes of bete metalls, o.c., As, live Cuprum (panel it tank pumpout, antome hold, in Cypso) Couper, Stannum Prints, Ferrum Iton; Plumbum 1200, & Orichalcum Laten. Polybius 209, pears before Chaift more Polibius lib. 2. Plinius lib. 2. Plin There be five kindes of bale metalls, ola, Es, five Cuprum (beraule it mas quam Vectain vocant; Ex his Infulit mercatores emprum flamator in Galliampier. Aut Veltament in the cape of and inde diebustere triginta dum equis ad fontem Eridani fluminis perducum, and comman.

See M. Camden, p. 134. in Cornwall. treat of the Court of the Paper of the Staple, and the staple of the court of the stable and the stable of the staple of the sta

nounity of the Staple that INTER TO CAP. TXLIVE Limit support of the art H. r. Hre are so wide a H. r.

The bowed of factors, we other Cities and Names, whilen the wills: Checkens make be, the

The Court of the Mayor of the Staple.

This Court is guiven by the Law Perchans, which is the law of the Staple, and E. 3. cap. and in holnen at the Mondeltaple at Wester, and there are allo two Cone. See the first pare And and in holden at the Unonterrapte at Weitin, and their nest to their of the Inflictions, and acceptain number of Correctors to be that which pertaineth to their of the Inflictions, fables, and acceptain number of Correctors to be that which pertaineth to their of the Inflictions. Dffice, as in other Staples is accultomed.

ice, as in other Scaples is accultomed. This Court (chough it was far more ancient) is Arengthened and warranged 27 E. 3. cap. 19. by Act of Parliament, which can best express the jurisdiction thereof, and follows

et England, vis. testoom staden in dis

Item, because the Staples cannot long continue, nor the Ordinances 27 E. 3. star, 22 thereof made and to be made be kept if good Executors and Justices "" be not stablished to make thereof good and ready execution: We have The Juris-ordained and established, that in every Town where the Staple is or-dained, a Mayor good, lawfull, and sufficient shall be made and establi-shed, having knowledge of the Law Merchant, to govern the Staple, The Law Merand to doe right to every man after the Law aforefaid, without favour, chant. sparing, or griefe doing to any. And in every place where the Staple is, shall be two convenable Constables now at his beginning pur by us, to doe that pertaineth to their Office; as in other Staples is accuromed, and when they shall be dead or changed, their other shall be chosen by
the Comminate of the Merchants of the said places. And that no
Mayor hold the Office over the year, unlesse he be newly chosen by the Communality of the Merchants of as well of Strangers, as of Desizeds. And that the faid Mayor and Constables have power to keep the peace, and to arrest offenders in the staples for debt, trespals, or other contract, and them to put in prison, and punish after the law of the Staple, And a prison shall be ordained for the safe keeping of them that so shall be imprisoned. And the Mayors, Sheriffs, and Bayliffs of the Townes, where the Staple is, or joyning to the Staple, shall be attending to the Mayors and Ministers of the Staple to doe execution of their commandments upon pain of grievous forfeiture : and one Lord or other of the most sufficient in the Country where the Staple is, shall be assigned to

Cart Mercuce.

Polibine lib. 2. Fining lb. c 8. . i. c. ca. 8. fo. 1 4 3. Bruit lub Au-Aue Vestaume,

the cape of Cornerad.

#16 E. 3.Ca. 7.

b 28 E. 3 ca.15. the Staple. c 17 E. 3. ca. & 28 E. 3. ca. 13. Cart. Mercator. Rot. Cart.

g 8 H. 6. ca. 17. a- E. j. Mar. 2.

which by the faid Mayor and Ministers cannot be justified, and tomaintain and councell them when need thall be to the good governance of the Staple "Hid to redreffe at every mans complaint that that that that half be done aand a state of mile by the faid Mayor or Ministers, or other, and to do right to the complanants in this behalf. And that the fame Mayor and Constables do not not ordain any thing contrary to this Ordinance, nor make interpretation nor exception to them otherwise then the words do purport, but if there be any thing that is doubted, it shall be shewed to our Councell, and there. declared by good advice. Alexandra in Cornwall de 30 E. 18 . 30 E.

Ror. Par.6 H.6. tue before the Payor of the Staple actoroling to the law Perchant, of at the Com? mon-law.

b The bounds of the Staple at Weltm. begin at Temple Bar, and extend to The bounds of Turbill. In other Cities and Towns, within the walls : where no walls be, the bounds of the Staple thall ercent through all the Ciep of Town.

See 27 E. 3. hom triat fillt be had per medietatem lingua : & vide si E. r.

Act. Cart.
31 E. 1. nu. 44.

dee the statute of 27 E. 3. that the Mayor of the Staple may take Recogs
d 27 E. 3. ca. 9. nisances of och Converte lead of the Police, but not Dich the leas of the party, and
F. N. B. 131. d. how execution hall be done thereupon.

Pl. com. 62. b. 1

The Paper of the Staple at Westm. and the Recorder of the City of London, 15 H. 7. 16.

Pleas the 2. 2. 57 in the absence of the time Chief Justices, out of Lerur have paper to take Record Set 3 H. 8. 12 milances of velocity according to the form of the sinutes of a 3 H. 81 And this is he as H. 8. 24. 3 milances of a knowledge, but it hath besides the seal of the chart sake it, the leaf fice, as in other Staples is accultomen of the party.

f. 27 E-3. cap. 29. I d'Elle Hayer and the Conflables that be two znin the Chancery to be land Ar of Barliament, which can beit expecia the premiedententunities Wildertigt E There are five Staple Perchandiles of England, viz: Woolly Woolfels.

Item because the Staples cannot long continuous unaversuly reflects b 17 E. 3. cap. 8. 2 It is many incoming, michently invited a Blaple, commeth of the French month Dier 4. Mar. 14. Estapt, which signifies a Part of Part of Part of Part of One of the Staple is, as it will fup, much to sap, as the Court in the Staple Part of, and is incident to that Part of and it was attentioned here at Calice, and sometimes in Bridges in Flanders, and well Strangers at Antwerp, Middleburgh, et. (and therefore it was necessary that this Court as Subjects, and month is growthed by take operand) and at leverall times in many places with Merchandizes. Able to furnish the King with money.

Rot. Parl. 7 E. 4. The same common by said the back not impossible the structure pass.

Rot. Parl. 7 E. 4. The same common by said, that riches followed the Staple.

nu. 9.

12 E. 4. nu. 59.

22 E. 3. Rot. 9.

13 E. 4. nu. 59.

24 Describe Datuite of 2 E. 3. Cap. 9. and a write thereupon 9 7 E. 3. in Scaccario, nu. 4.

25 Original de Scaccario Anno 12 E. 3. Rot. 2 ibid 13 E. 3. Rot. 12 & Rot. Pat. 10 Criginal de Scaccario Anno 12 E. 3. Rot. 2 ibid 13 E. 3. Rot. 12 & Rot. Pat. 10 Criginal de Scaccario Anno 12 E. 3. Rot. 2 ibid 13 E. 3. Rot. 12 & Rot. Pat. 10 Criginal de Scaccario Anno 12 E. 3. Rot. 2 ibid 13 E. 3. Rot. 12 & Rot. Pat. 10 Criginal de Scaccario Anno 12 E. 3. Rot. 2 ibid 13 E. 3. Rot. 12 & Rot. Pat. 12 & Rot. Pat. 12 & Rot. Pat. 13 Cap. 14 Cap. 14 Cap. 14 Cap. 15 Ca and to arrest offenders in the staples for debt, trespais, or other contract, and them to put in prison, and ponish after the law of the Staple, And a prifon thall be ordained for the lafe keeping of them that so shall And the Mayors, Sheriffs, and Bayliffs of the Townes, be imprisoned. My (2) he Staple is, or joyning to the Staple, shall be attending to the Mayors and Ministers of the Staple to doc execution of their commandments upon pain of grievous forfeiture; and one Lord or other of the most fulficient in the Country where the Staple is, shall be assigned to od

Note divers

blottensianold sheir Kingdome

of other intelle die As the Date

cor Lumbardy, at Cicil, Naples, & Bohemia of the Empire.

olis cerem Walks com incolusions prius rabis in cre trodali lub la cam tertini granten proprietatis nollier forten oblecel en bufundur cestanthus enter inter de cum pase grunte control XLX sa. P. Chi, teno sero partein ceres a

wout to be in Divina providencia, que in fur dispossione abordaintou, ence alia

Of the legal Courts and their jurisdictions within the Principality of Wales led and abroduced. And to fav the cruth, this Corion thes never in quiete unter

This Principality confideth of an Counties, tobereof bu vin Angulen, the felond part This Principality conflicts of 12 Counties, inhereof 60 viz. Angules, the reconspare Carnarvan, Merioneth, Flint, Carmarchen, and Cardigan metric greatest of the infilments by the Act intitules Statutum Wallize Anno 12 E 7 ... annother seef up Statistically in the Saxons Britiselles and Cardinal Car

the Statute of 27 H. 8.

Wallis, Wales, to called by the Saxons Brytwealas a unde Wallenfes, Swalling exteri feu peregrini : and the Britons call Englishmen to this panesarions : thefe are of the posterity of the ancient Bricons inhabiting on the whest part of great Britany. This was fontetime da Mealin of Bingbome and goberned per fuos 34 H & cap is regulos. Rex E. dedit Regi Griffino totam terram que jacebat trans aquam wallus. terram, & reddidit Episcopo Cestriz & omnibus fuis hominibus, qui ante ipsam 38. & in Errora and Courts of Julia, total forty proper forter normans necessary to the Jedonst

By force of a Commission directed to Divers discreet and learned men as well d Realistifon English as Welsh, viz Griffith ap Lluellin, Gitten Owen, John Ring and appear it was found that Owen ap Meredith ap Theodore which maried Katherine Roinnead it was found that Owen ap Meredith ap Theodore which maried Katherine Roinnead both a legac bot English as Welfh, viz Griffith ap Lluellin, Gitten Owen, John King and others the French word Excepted Chamorgan, Brecknock, Radour, Care

And here the are justly occasioned to discover the error of those that have given f Domestar in to our late Soveraign Laby Quen Elizabeth of ever glozionis and bleffen memor Com Hordord. re, the streams of Tydur, and consequently to her Grandsather, Kathers Bro-Rex inAccassed ther, and Dister: which whether it were out of ignozance or malice some do que. Ble vallayering thon, because if the had any streams at all it was Theodore and not Tydur, which have terra, T.E. is a nich of by-name. But we rather take it to grow out of ignorance, for that in Quandoq; Rex truth the had no firname at all; for this Owen her Ancestor had no firname: Griffin nomina-and therefore was called Owen ap Meredich, that is, the forme of Meredich ap g Rot.pat. Anno Theodore, (the some of Theodore) ap Grono, &com Att which were Christian 7 H.7. names : fo as they should rather have called her Elizabeth Owen, his ginn name, b Cadwallader az Elizabeth Meredith, bis fathers name, than Theodore bis Grandfathers Chai. King of the Brihian name : but Almighty God mould not suffer her to have a firmance, because Archief.M.S. by his gence and goodnesse the should deserbe so her Imperial virtues to he called ; This blessed Elizabeth the Great. thy , at all the all the armen definite again and amin in Queen raigned

But juge feodali the mingdom of Wales was bolten of the Craiment Eng. the years of Auland, and thereby as Brackon faith, was dub poreflues regist And fort continuen guitus, and lived until the 11 pear of the reign of Bing B. t. when he suboned the Driver aferdales a King elder riling against bim, and executed bim for treason, whereof Flera who live in those than any King or pages speaketh thus. Et unico malesadori plura poternur infligntorments; sicut Queen since the contigit de Davide Principe Walliz cum per Edwardum quinque judiciis morrae Conquest, and libus torquebatur, fuis nanque meritis exigentibus, detrait us, suspensos, dif. yet had extensibus, detrait us, suspensos, dif. membratus fait & combustus, sujus caput principali Civicati, quatuorque quartes dum ingenium. ria ad quatuor partes regni in odium tradit deferebatur fufpendend. Anninto of & Lib.7. fo. 21, b.

" The next year, viz. in the 12 year of ming E. I. by authority of Banliament it in Calvins cafe, is declared thus, speaking in the person of the Ring (as ancient Calutes mere alich Bracton. (who wrote tempore H. z.) lib. g.fo. 395. b. Fleta lib. r.capiro. To H. 4. fo.6. acc. Pl. com. Y19. a. b. Dier 3. Maria 113: m Statutum Walliz Anno 12 E. 1, Vid. 10 H. 4 fo 6, 10 auflem andlup mas

Granado, Leons of Aragon, H.

part 2 fo. 3. 6 27 H. 8.cz 26:

Note, divers Monarchs hold their Kingdome of others jure feedali. As the Duke of Lumbardy, Cicil, Naples, & Bohemia of the Empire. Granado, Leons of Aragon. Navarre, Portumallie, go 24 de partibus North-mallies Rot, Clauf, 20 E. 2 m. 3. 80 21 Jac.ca 28. b 27 H. 9:ca. 26. 34 H.B. ca. 26: 37 H.8, CB 26. c The twelve

So it was refolved by divers Juflices in Hil. 5 Jactregis, กรรม

Counties of

gan of the report of the Chief

Tuftice Popham.

Wales. dTrin. 34Eliz.in the cale of Mor-

bevil line euflug 21 Jac.regis,c.16 than in King or

neen fince the

o Free with

Corqueft, and min. Tit. in ingenium.

a Calvins ca Ror. Chat Anno 20 E. 1.m. 3.

wont to do) Divina providentia, que in sua dispositione non fallitur,inter alia sue dispensationis munera, quibus nos & regnum nostrum Angliz decorari dignata elt, terram Walliz cum Incolis fuis prius nobis * jure feodali fubjectam jam fui gratia in proprietatis nostra dominium, obstaculis quibuscunque cessantibus, totaliter & cum integritate convertit & cotonz regni pradicti, tanquam partem corporis ejuldem annexuit & univit. Pet this wile and warlike nation was long after this not latissied noz confented, and elpecially, foz that they truly and con-tionity tookspart; with their rightfully Spartsign and liege kors king Richard the Second 3 In revenge whereof they had many levere and inventive laws made against them in the reignment H 4 Hag Sec. All which as unjust are repealed and abzogated. And to fay the truth, this Pation was never in quiet, until Navarce, Portu
gal, of Casile.

Ring H. 7. their own countryman obtained the Crown.

And to others, technically in the state of the country was not for really and to others, the state of the state of the state of the state of Wales, the Principality and the state of the state of the state of Wales, the Principality and Escaped Esc.

England, and enaced that every one born in Wales, thould entough the Liber tier, sights, and lank of this Mealm, as any fichiers materially born this ites, sights, and lank of this Mealm, as any fichiers materially born this ites, sights, and lank of this Mealm, as any fichiers materially born this ites, sights, and lank of this Mealm, as any fichiers materially been this ites, sights, and lank of this Mealm, as any fichiers materially been this ites, sights, and lank of this Mealm, as any fichier the fivishing of Phirips to any place of Markey and Mealm the state of Parliament, or the testing of the land of t thought good to refer the judicious reader to thate Ads of Parliament with out recitall of them a where he hall find the excellent penerable variety of Beats and Courts of Justice, with their proper furisdictions according to the lates of England, the golven spectuand, whereby all mens caules are jully med evenly measured. Only we will adde certain things which have not been published before. Al fo on Ly quentilla

159 the faid flatute of 34 H. 8. it is enaced that there thall be bollow and kept bestions thoice every peat in every of the said " thelive Shires, that is to say, Glamorgan, Brecknock, Radnor, Carmarthen, Pembroke, Cardigan, Mountgo mery, Denby, Flint, Carnarvan, Merioneth, and Angleste, which Dettions Sall be catter the Kings Weat Sellions of Wales.

I fine toas levice of tanes in the County of Carmarthen, and the Witte Covenant was Coram Jufticiariis noftris magna Affiliain com. Carmarthen, and because all the subicial presidents were in that form ever fince the making of the flatute, it was abjudged to be good, the Communis error facit jus.

Allo in the fair An of 34 H. 8. it was enacted, that the litings most Mopal Majelly (bould from time to time change, oc. all manner of things before in that Ad repearled, us to his most excellent wisdom and discretion spould be thought convenient, and also to make Lates and Decinances for the Common wealth of his laid Dominion of Wales at his Pajesties pleasure, oc. And atheir the common opinion was that the fame power in to high a degree of traft, as the atteration of laws, ge, bous perforat to H. 8. and referred to his wifecome, different , and pleature, and therefoge extended not to his lucceffogs, pet fog that the lubjens of the Country and Dominton of Wates had been confantly logal and obestent, and has lived in all dutifull subjection to the Crount of England, to present all quellions and panger the fair branch of the fair flatate of 34 H. 8. is repealed and riang against him, raid executed him for treaton. opered Flera total fruited state

I It was refolved by an the Juffices upon a reference made to them by the Lords of the Pring Councel mon confideration had upon the Antutes of 34.4.8. cap. 26. and 18 Bliz. cap. 8. that the Judicen in Wales are to be condituted and made by Lettery Patents, as they had been ever fince the making of the natures, and not ALiby fostis. by Commission. And upon report of their opinion to the Lord Chancelog Baron

Snigge was conflictuted and made by Patent accesoingly. Ren dilecto & fideli fuo Rico. Damory Justiciar, Ino Northwallie Salutem. Mandamus robis quod habito advisamento cum illis hominibus de partibus prædictis, cum quibus melius fore videritis faciend, diversimode fine dilatione venire faciatis

ficiatis ad præsens Parliamentum apud Westm, convocatum 24 homines de parti- 12 were English bus illistam Anglicos quam Wallenses ad consentiendum hiis quæ ibid, pro com- and 12 Welih.
muni commodo & pace & tranquillitate regni nostri & partium præd, favente Domino contigerit ordinari, Et habeatis ibi nomina præd. 24 hominum, & hoc m 13. Wallenses Telte Rege apud Kenilworth 11 Januarii Anno 20 E. 2. Rot. Clauf. m. 3. vocat. ad Parlia-

By this and others of like nature it appeareth that wellhinen were in the menum.

reign of E. 2. E. 3. gc. called to our Parllaments.

But now freing there be Sheriffs throughout all Wales, the Writs are bi- 7 H.4.cap. 15.
reced to the Sheriffs to cause to be elected Brights, Citizens, and Burgestes, It H.4 cap. 1.
and recognable into the Chancery, tohere before they were recogned into the Par- 8 H.6.cap. 7.

time have feen a Charter of the Carl of Arundell proving, that by the ancient 3 H. 6.cap. 15:

cultome of Wales, females could not inherit.

Omnibus Christi sidelibus præsens scriptum inspecturis, Johannes Comes 27 H.8. cap. 26.
Arundel, & Dominus de Mautravers, Salutem in Domino. Sciatis nos prædict. 36 H.8.cap. 26. Comitem ad profecutionem & specialem supplicationem Communitatis Tenen. nostrorum tam duarum partium quam tertiæ partis Dominii nostri de Osewaldeftrie in Marchia Walliz concensse pro nobis & hzredibus nostris & per przsentes Marchia Walliz confirmatie Tenen, nostris przdict, hzred, & asing, suis, quod cornu filiz pro defectu exic. masculini, ac corum proximi consanguinei, tam masculini quam semelliz de extero hzreditare valeant imperpetuum terras, renementa & reddir, ancecessorum & confanguineorum suorum abique infra Dominium nostrum prad. cifd modo & forma quibus utitur in communi lege anglia, Walies confucti-dine prius ibid, de contrario ufitat, in aliquo non obliante: Salvis semper nobis & hared, noftris heriotis, relevits, fect. cur. & al. confuetudinibus quibuscunque de dictis terris & tenementis ante hanc noftram concessionem mobis quomo libet pertinen. In cujus rei testimonium buic præfenti script, nostro concessionis Sigillum ne ftrum fecim' apponi : Histeftibus, Willielmo Ryman, Thoma Baret, Willielmo Sideney Armigeris, Hugone Burgh, cen. Dominii nostri przd. Rich. Irland, Hoel ap Ogn. Gouch, & aliis. Dat, in hospitio nostro London vicesimo quinto die menfis Aprilis An. regni Regis Henrici Sexu post Conquestum octavo.

At this day women are inheritable in Wales, according to the Common law in

England.

Ordinatio de Consuerudinibus Northwallig & Westwallig.

These Britons were ever lovers of the laws of England, forat the Parliament holden in 4 H. 4. they petitioned the Ring, that in all cales of the Crown throughout every Liberty in Wales the laws of England might be only uses. Tobercunto the King pictoes, and that his Countel Bould take orber therein. Vid. Hil. 20 E. r. b Quia Episcopi Wallenses ex antiqua consuerudine testamentum aliquod condere non poruerunt, Rex licentiam dedit Episcopo Bangor, quod possit condere teframentum fuum non obstante quod Episcopi Wallenses ex antiqua confuerudine ceftamentum aliquod condere non poffunt. Die the Chapter of the Confiftoge Rot. 37. 1 Courts of Arch-Bifbons and Bifpons, fol.

" where execution spall be made of lands in the warches by the Sheriff of

the County next adjouning, ficut folebat antiquitus. Die the Recogn at large.

d Affach is a Bzitifb word and Agnifieth a custome in Wales, which was to excute one of the death of a man by the oath of 300 men. But this Grange kinde of excute or acquital is abrogated by flacute.

There was also a certain trial in Wales called a Raythe, but that is allo Rot.Par.-188.1. abzogateb.

of the Continued merce of miles concerning the fulfilmination of the Po-

I feether on office's depre , and upon ma ure petherenten refoliobers

of 1967 fame, to bound bewind

28 B. 2. C2. 245 E. 3 fo. 30. 45 E. 3. bre. 588. 21 H.3. bre. 881, fimile. d 1 H.5. cap. 6.

and Connect of Protes, and the Optione

10 H.6,cap. 6 H.6.cap.4.

Wallica confue-

9 B.s m. 3. a Rot. Par 4 H.4 BU. 100 bRot Pat. 13E. 1 coram rege. lia Pafch.10 E,a coram rege Rot. 73 Trin. 5 E. 3. Rot. 40. coram rege. Ro.73.cor. rege. 18 E.z.aff. 382. Rot. 3, 13 E.3. jurisdiction. 33. 6.6 H.6.Du.33.

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27 12 8 400 26

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Wales.

f clasis ad pr. Sen Perferenceium anud Wellen (convocieum na hombe), et precis un mame beef fi Sussibilated anglicos du ell Mellenles ad confeniendem des que ibid, pre con- ad ta Welle

allicate segui nothin & period pradition in per establica mand contract of the selection of the se dwarth it Januara Anna 20 h. i. Ret. Califors, ver. at tarka

The Court of the President and Councel in the Dominion and Principality of Wales, a landt is as di and the Marches of the fame,

Caving now the Legal Courts in the Dominion of Wales, to proceed by the right rule, fecundum legem & confuetudinem Angliz, Let us theat fomewhat of the Court of Equity befoze the Pzelident and Coun-

This Court is frengthened and warrantes by the fatute of 34 H. 8. Ca. 26. Ro.Par. 16 R.2. nu.44, there was with a reference to perfeription before it, in these woods.

tem, that there shall be, and remain a President and Councel in the said 34 H.S.cap.26. Dominion and Principality of Wales, and the Marches of the same, with all Officers, Clerks, and incidents to the same in manner and form as heretofore hath been used and accustomed; which President and Councel W.llics springs. shall have power and authority to hear and determine by their wisdomes and diferetions such causes and matters as be, or here fter shall be assigned to them by the Kings Majefty, as heretofore hath been accustomed and uled.

They lit by force of the Kings Commission and Instructions, and proceed as in a Court of Canity by their wilhomes and pilcretions. Herefordfhire, Worce-fterfhire, Shropfhire, and Gloucestershire are included within this Commission, pretending that thele four Shires are within the Barches of Wales.

That thefe four Shires are no part of the Parches of Wales but ancient Shires of the Mealm of England, appeareth by Sir manner of proofs.

Firtt, by expreste Books, viz. 18 E. 2. Ad. 82. 1 E. 3. 14. in Dower. 7 E. 3.

* 9 E. S. Polit. 9 E. 3, in Dower. 6 H. 4, fo. 9, in Scire fac. F.N.B. 168. AROTE CA Decembly, by Ads of Barliament, viz. Prærog. regis. 17 E. 2. cap. 1, 28 E. 3. 1100 23. cap. 2. 2 H.4, cap. 12. & 16, 17, 23 H. 6, cap. 5.27 H. 6, cap. 4. 31 H. 6, cap. 4.

Lhirdly, by Recozds of Parliament. 3 R. 2, nu. 29, & 30.

Thirdly, by Recozds of Parliament. 3 R. 2, nu. 29, & 30.

Fourthly, by reason. I. These some Shires were ancient English Shires, and governed by the laws of England, and not by the differetion of the Prefibent lia Pafch 10 E. a. and Councel; and this were to bring their inheritances, goods, gc. ad aliud examen. 2. At one and the fame time there were in former times Carls of בסרבותו בכפני Ket. 3 ; 28 E.s. Moc. 73 Trings the warches of Wales, and feveral Garls of thele four Counties, and therefore FE. S. KOLAS they could not be one and the fame. COLAMB PORC.

Fifthig, by the retolution afozelaid of thele four Judges concerning Chefhire and Flyntihue (which were included alle within the Commillion) that they were not within the warches of Wales, and therefore out of the jurisdiction of the Poefibent and Councel, and fo remain until this day: Foz a Commillion without an Ac of Parliament cannot raile a Court of Equity, as often hath been faid

jurildichen, gr. Latty, by the commandment of the ming, all the Jultices of England, and Barons of the Exchequer were affembled concerning the furifoidion of the Pre-Adent and Councel of Wales, and the Parches of the fame, who upon bearing of Councel learned on divers dayes, and upon mature beliberation refolbed una voce, that the laid Four Counties, were not within the jurifoidion of the Prefibent and Councel. 2. That foratmuch as the Prefident and Councel have

See before in the Chapter of the County Palarine of Chefter, p.

E.3.

Rot. 11 15

Mich. z. Jac.rogis. The care of Edward Lord Zouch Prefident of Wales.

a limited authority if they proceed in any matter that is out of their furisdiction either in refpect of the place og of the authogity limited to them, a probibition may Regid. 4 & 8. be granted, as to the Parihallea and the like. Tobbith refolution being made F.N.B.39 b.43. be granted, as to the sparipation and the time. Country teremetal being made f. 46.4. 171.159. Anown to his Pajetty, his Pajetty was graciously pleased, that the Lozo Pres. 185,186,187. dents Commission sould be resormed: whereupon the Lozo Zouch gave over his 19 H.6.54. place. And yet the Commission was not after reformed in all points, as it ought to have been.

Rodry Maure, 02 Rodry the great, Ming of Wales, fon of Merfyn Fryth hat Thisis added for iffue three fong, Mervyn, Anarawd, and Cadell. In the pear wherein be died, the better under-viz. Anno dow. 877. (King Alfred, alias Alured, then reigning in England) cords and Hiftothis great Rodry vivided his mingbome of Wales into three Principalities, rics concerning. The first he called Guyneth, the English North-wales, the Latinist Venedotia. Wales, The lecond Principality was called Powis land, in Latin Powisia, of tome West-wales, bozdering upon England. The third be called Dehevbarth, the English South-wales, in Latin Demetia. The first Principality, some say, be gave to Mervyn, after others, to Anarawd. The fecond to Anarawd, fome lap, to The third to Cadelh, fome fay, to Mervyn. The first was the best, because it was the quietest. The second was often invaded and troubled by the Into the third often incurlions were made by the Caulifb . the Bozman, and the Fleming. The division of this kingbome (howfaever it was) bezought in processe of time such a division between these Brinces, as it was neper quiet till it came under one Ponarch and Ring again : Fog the toyal dig. nity of a Ponarch of Bing, from whence all other lubezoinate bignities, tanquam lumen de lumine, are derived without any diminution, will fuffer no division. Regia dignicas est indivisibilis; & queliber alia derivativa dignicas est similiter indivifibilis

The most wofull event that fell out in this Realm, when Gorbodug vivided this Kingtome between his two fons. Ferrex and Porrex, and what beavy event came to palle, until it was reduced again under one Ponarch, let our Diffozies tell pou : And letting paffe others, I cannot over-paffe the milerable effate within this kingdome under the Beptarchy, untill all was territed under one Soveraign. And this is the reason, that in England, Scotland, and Ireland, the royal dignity is descendible to the elvelt daughter or filter, sc.

But let us look a little into fozein parts. Oedipus wing of the Thebanes hat iffue two fons! Polynices and Eteocles : De ognaines, that after his beceale ; his two fons (boufo alcernation by course, ge. reign in his Bing some. But what was Su, in Theb, the event? Fratres de regni hareditate diffidentes fingulari certamine congressi muruis vulneribus cecideront. But to return again to our Wales,

It was divided from England by a ditch after the name of that Bing that wave Cambden in the ni benji m up entirsa

it, ralled Bing Offa his dicch.

Bing E. 3. at the Parliament bolden Anno 17. of his reign, by Charter elfa- nor. Carra creationle blifbed by Authozity of Barliament, created Edward (called the black Prince) Principa Wallia Prince of Wales in these words? De Concilio Pratacorum, Comitum, Baro- Authoritate Parnum & Communium in generali Parliamento nostro apud Westm. die Lunz in liamenti. Anno Quindena Paschæ proxime præterito convocato ipsum Edw. Principem Wallie fe- 17 E. 3.
cimus & creavimus, & dictom Principatum fibs dedimus & concessimus, & per a A Chapelet of
Cartam nostram confirmavimus, ac ipsum de dicto Principatu, ut ibidem præform of a Garficiendo præfideat, & præfidendo dicas partes dirigat & defendat, per fertum land. in Capite, & annulum in digito aureum, ac b virgam argenteam investivimus & This virge, rod, juxta morem : Habendum & tenendum de nobis fibi & hæredibus fuis Régibus or Scepter in Angliæ imperpetuum, &c. Dut of this Charter me obterbe, that in this Crea. latter creations tion there is a great mothery, for lefte then an effate of inheritance to great a is changed from Prince could not have, and an ablolute effate of inberitance in lo great a Prin. filver to a Verge sipality as Wales, the kings meaning was (this Pzincipality being to dear or Scepter of unto him) he should not have: therefore a qualified fee therein be had in this sold. form, fibi & haredibus fois Regibus Anglia, that by his deceale, or attaining to bus regibus the Crown this dignity might be extinguished in the Crown, to the end that the Anglia,

cefe, Lib. 5.

Bing for the time being bould ever have the honor and power to create his hete See the Princes apparent Pzince of Wales, as be himfelf hab been by bis Pzogenitoz. Ent other. wife it is in cale of the Dutchy of Cornwal as in the Parinces cale, ubi fup. anneareth.

And in the fame manner is the bignity of the Roble and primary County Da.

Vide Carta E. 3. fract. 18 Marti. 7 E.3. & Hil. 33 E. z.irrotulat. parte Rememora-tor The faur. Rot. 15. The Black Prince created Earl being three years old. Coram rege Rot. 14. Walliz. t Commissionarii.

dat apud Pomem latine of Chelter at the fame time granted to the Brince, libi & haredibus fuis Regibus Anglia. Ob quamplurimos excessus more hostili vexillo displicato per Gilbertum de Clare Comitem Glouc. Hertf. & homines suos de Morgannon illatos contra Hum-

Inauditum eft.

fredum de Bohun Comi c'Heref. & Effex & homines fuos de Brekenock dominus rex affignavit + Episcopum Eliens, & alios Commissionar, ad inquirendum, &c. Mandavit etiam dominus rex per literas suas dilectis & fidelibus fuis Johanni Hastings, Johanni fil. Reginaldi, Edmundo de Mortuo mari, Rogero de Mortuo mari, Theobaldo de Verdon, Johanni Tregose & Galfrido de Cannil, quod interfint apud Brekenock, &c. Et postea venerunt apud Laundon. Voluit idem dominus rex pro ftatu & jure suo per ipsos Justiciarios quod inde rei veritas inquiretur per facram, tam magnatum quam aliorum proborum, & legalium hominum de partibus Walliz & Com. Glouc. & Heref, per quos. &c. cujuscunque conditionis fuiffent, ita quod nulli parceretur in hac parte, eo quod res ista dominum regem & Coronam & dignitatem fuam tangit, &c. Dichum eft ex parte domini regis Johanni de Haftings & omnibus aliis magnatibus supra nominatis quod pro flatu & jure regni, & pro conservatione dignitatis Corona & pacis fuz apponant manum ad librum, ad faciend. id quod eis ex parte domini regis injungeretur : Qui omnes unanimiter respondent, quod inauditum eft quod ipfi vel corum antecessores hactenus in bujusmodi casu ad præstandum aliquod facramentum coacti fuer. &c. Ac pluries eisdem magnatibus ex parte ipfius Regis conjunctim & feparatim, libroque eis porrecto, injunctum est quod faciant facram. Responderunt demum omnes singulatim quod nihil inde facerent fine consideratione Parium suorum; Demum Comes Glouc, fecit finem cum domino Irrotulatur iftud rege pro decem millibus Marcarum, & Comes Effex pro mille marcis, & uterque Recordum inter corum committitur Mareschallo. A Recordum perlongum eft, & continet tres Rotulos:) Et ob affinitatem, & confanguinitatem cum rege pardonantur pluris ma. Tamen forisfecerunt libertates suas durante vita ipsorum, Et post decessum eorum, hæredes fui rehabeant.

But now to take our leave of this Beincipality of Wales, this is that the Romans called by the name of a Britannia fecunda, and fometimes b Valentia, and by the Britains themfelbes callen Cambria. And we will conclude this Treatife of Wales, &c. with that which that dercellent Biflozian freahing of the wars betheen the Roman and the ancient Britain, faith, Nec aliud adverfus validiffimas eldem in Fragm. gentes pro nobis utilins, quam quod in commune non confulunt, rarus ad propulsandum commune periculum conventus : ita dum finguli pugnant, universi

vincentur,

A THE

Dee a part. Par. 9 E. 2. m. 3. Ordinat. de consuetud. North-walliz & Weft-

walliz. Wid, Lib. Int. Co. fo. 549, 550. Thee notable matters concerning Wales. 1. Of the government of Wales befoze :27 H. 8. 2. Of Lozofbip, Parches, and their anthogities and liberties. 3. The Ad of 1 & 2 Pb. & Mar. concerning the fame. per defendan, per. smal adt wirter befich ibnet

where figure and to make a feeting a special of the grade to the combined to the vent 1,33 at 1000 vent 1 vent the champ total grand the chapting and a chapting and the area and the chapting and

region in age in region of the Winding of the Same of the second

Placita de Banco Term. Paf. An. 14 E. I. a Ortelius in Carta antiqua Briranniæ. bHumph, Lloyd apud Ortelium in the fame Geograph. d Tacitus. Vide fupra pa. 9.
6 Nota. Validiffimas gentes. f Rot-Pat. 9. E. 2. Lib.Int. Co.

fo. 549,550.

A some services of the souther and the souther are some services of the servic months, ed. : a terry of magnifical in single as most rife of the quality and a society of the CAR.

of the print in

larger time, but

The President and Councel in the North.

Dis Councel in neither warranten by Act of Pagliament, noz by biefcription, but raifed by ming H. 8. by his Commillion upon thele occallons, and in the manner bereafter expressed. After the suppression Ponalteries of the pearly value of two hundred pound or under, which was by As of Barflainent 4 Febr. Anno 27 H. 8. in the beginning of 28 H. 8. there was a great infurrection of the Lord Hisley and 20800 persons in Lincolnshice pretending it to be for the cause of Meligion: against whom Charles Brandon Duke of Saff, went and appealed them. As foon as they were appealed, a great rebellion for the lance pretence of 40000 of that County, of whom Die Robert Aske, was Leader against inhom the Duke of Norf, and others went, and difperles them. Soon after a great Commotion for the fame pretence westmerland, and Northumberland; against woom the Carl of Derby was imployed, and quietes them. After this Mulagrave Tilly and others to . a great multitude bib rile , and affulted Carlifle Caffle , whom the Duke of Norf, overtheem. Soon after Dir Francis Bigot with a great number of people rote at Setrington, Pickering, Leigh, and Scarborough in Yorkshire, whom the Duke of Norf. pacified. And after this the Logo Darey, Ask, Con-Stable, Bulmer, and others began a new rebellion about Hull in Yorkshire, tohom the Duke of Norf. appealed. And all theft rebellions fell out between the beginning of 28 H. 8. and 30 H. 8.

The Bing intending the suppression of the great Conasteries, which in effect be brought to paffe in Anno 31 H. S. for preventing of future bangers, and keeping thole Bozthern Counties in quiet, in Anno 31 of bis reign rai- Anno 31 H.s. 6; feb a Welfvent and Conncel there, and gabe them belives two feberal poto. parte Roberto ers and authogities under one Szeat Deal, the one of Oier and Terminer , De Landavens. Equibuscunque congregationibus & conventiculis illicitis coadunationibus, condenti Concilii. forderationibus, Lollardiis, misprisionibus, falsis allegantiis, transgreffioni- &c, & aliis facti bus, riotis, routis, retentionibus, contemptibus, falsitatibus, manutenentiis, oppreffionibus, violentiis, extortionibus, & aliis malefactis, offensis, & injuriis quibuscunque, per que pax & tranquillitas subditorum nostrorum in Com. Eborum, Northumberland, Westmerland, Durham, & Com, civitatis Eborum. Kingston super Hull, & Newcastle super Tinam gravetur, &c. secundum legem d First, It waste-& consuctudinem regni nostri Angliæ, vel a aliter secundum sanas discretiones solved by all the vestras audiend. & terminand. The other authority was, b Nec non quascunque Judges of the actiones reales, seu de libero tenemento, & personales causasque debitorum & Court of Comdemandorum quorumcunque in Com. prædictis, quando ambæ partes vel altera monPleas, Tria; pars lic paupertate gravata fuer. quod commode jus suum secundum legem reg- clause is against ni nostra aliter prosequi non possit, similiter secundum leges & consuetudines reg- law, as the like ni nostri Angliz, vel aliter fecundum fanas discretiones vestras audiend, & termi- had been for-

But thefe authozities were granted, to the end that Commissioners by mediation might quiet controverses when one of the parties of both were poor, who are ever most clamozous. And all the authority they had was expressed in the Patents of Commission under the Great Deal, without any reference to ba le was then intructions, of any instructions at all. But afterwards, for that the lato Com- allo clearly remillion was against law, and to the end, that their authority spould not be known, latter clause was

merly often re-folved. See before Cap. of the Court of Requefts.

against law, not only for the cause aforesaid, but also for that actions real and personal were not to be heard and determined by Commission, but according to the laws of the Realm. Vid. a Eliz. Dier 175.

they procured the first institution to be ex diametro aftered, viz. that their Commillion fould not give them any expresse authority at all, but tobelly bid refer their authority to certain instructions which they kept themselves in private, and were not involved in any Court, whereunto the subject might have resort. Sed mifera fervitus eft, ubi jus eft vagum, aut incognitum. And thereupon Bing James being informen bereaf by the Judgen of the Common Pleas (who have granted probtbitions to the Prefibent and Countel) gave vroer that theit intructions should be enrolled, to the end that the subject might take advice of learned Councel what course be might taken to enjoy the benefit of the lates of the Kealar . his belt birthright. All mmo D and gd . 2. H pmis on dollar the

This is left out of the print in latter time, but it is in the Par-

13 El.cap.13. See in the Chap ter of the Court of Request, anfwer made to like cafe.

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6 Jac, that this

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quefft.

And it appeareth in the Sublity in Anno 32 H. S. cap. 50. that H. S. railes not only this Prefident and Councel, but a Prefident, and Councel also having line authority in the melbermparts, precenting it to be for their eafe to receive fuffice liament Roll, &c at their short booss, but they of Cornwal, Devon, at believes to libe under the immediate government of the Bing, and the Common law oppored it, Et fic Commiffio illa cico evangic: which Commission under the Great Seal me have leen. So in the flatute of 13 El. where the Perfibent and Councel of York is mentioned. and no man boubteth, but that there is a Brefident and Councel de facto, but what jurisdiction they have is the question.

Thus much (having taken upon us to write) we have clearly and plainly bethis objection in livered our opinion, and be that learcheth the fectets of hearts, knoweth that me bave published nothing berein of in any other of our works, reluctance confcientia.

> And in respect of some continuance it bath had, and many decrees made, it were worthy of the wildome of a Parliament for come establishment to be han rubom ehe Bune es black, pacific. And lice wer fie Man Decer, eastnieseth

> Hable, Bulmer, and others legan a new recellula exact Hall in Yorkship behan the Dute of North appeals. And all their relations tell out belonger the Leginistic of all H. R. and to H. S. The Bing, intenting the laggerflag of the data Separates, which

> effect, he brought to passe in A in 3 is it. E. Es prosenting of former nonger and heeping shole Martheen Countries lat guiet, in Am d as a fricheign in fer & foseffrene eng Connect thate, and give chan bestson in Sected 1988

> ers and authorales under ene Structured, the one of Occount Terramer, to do bolionque congreganombes de convenigallo conces conten norbbus, con

bus, rious, rouch, retentionibus, contempiebus, fair colber, portucqualis prefitionibus, vijolentijs, optortrontbyt, žt. aliisnindeli ins profitnits, žk. ja junis colbescunque, per que per la conquestatable como contro con es

bount, Northumberiand, Wester mand, Darlam, & Cotta Cartain, Singifon laper Hull, & Newcolds apar Lucan graverur, Etc. freuglem to the de confueradinoen organismplente ogua, vel falter fecundom fanns diferencere

folyen by all the veltras andiend, 80 terminand. Whe other authoric was, b Nec non quarturque Sela la applica aftignes reales, fen de libeio cenemento, & personales canfaique debicorina & Court of CommonPles Tile

domandorum coornecunque in tote, pradicus, quando and mparces vel altern Proposition profession first, que a commode jus fauta festadum jegem reg-

m'noffri Angliz, vel aliter lecondum fanas discretiones vellese, un nd. & rermie hid ben for-.besa

What their authorities were granted, to the endthat Commissioners again. distion might quiet controverdes taben one of the parties of the both tocke pour, who ever most elamozona. Und all the kulbezete they had the expended in the spatenic or Commission enter the Seat Deal, without aga reference to be Kinsechen in Augustons, or any entermions at all. Rint efterwards, for that the formal ones also closely re-, million was egoint late, and to the out, that there authority though not be known.

againft law, not only for the cause aforefaild, but also for that actions real and personal were one to be braid and determined by Commillion, but according to the laws of the Realm. Vid. a Elic. Dies 175.

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In Lib. About

de Kamley.

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and the second configurations and ins dispersion and metal contains the mobile and the different or his different and the first and th

The Course in the Gity of Levalue

Sacratus strike in the toutings.

The Courts and their Jurisdictions within the ed . Dailah in zenterine al sem City of London; And first of relad Dedited of de

The Court of the Huftings.

De the Antiquity and name of this noble City, you may read in Lambard Lib. 8 fo. 130, in Inter leges Edovardi Regis, fo. 136, b. Sed utere two judicio, nibil enim imthe case of the pedio. * But Ammianus Marcellinus an approved Author above 1200 * For the Antique of the it Verustum oppidum. And Cornelius Tacius, (who maried tiquity. the imaghrer of Lucius Agricola the Roman, and was here with him by the space for the Antiof seben pears) affirmeth, Quod Londinum tempore Neronis (which is above 1500 quit) and pears past.) fuit copia negotiatorum & commeatu maxime celebre. To be short, Name.

And in fearthing among fuch Bacoaba as the Barbollerved, of og concerning this noble City, we have observed a Charter in the Saxon tongue made by William the Conqueroz in these words ; pilliam Cyng zneit pilliam Birceop 7 Gospheger popugeneras y calle ha Bunhpapen he on Lunsen beon, &c. ... William the Bing greeteth William the Bilbon and Godfrey the Postrebe, and

all the Burgelles that in London be. ac.

Thiris the vigtest Court and of the greatest celebrity with in London. At is Regist 2. b. bolden before the Baio2 and Specific, of all pleas, real, mirt, and personal. F.N.B. 6. f. Nota, the tule of the Register is Onodibet breve, and tangit liberum tenementum in London, dirigitur Majori sive Cultodi & Vicecomitibus; & alia brevia tantum Vicecomitibus.

This word Hultings is beribed of the Saxon words, viz. Hus which fignifieth a boule, og benty, and things, that is, cautes, og pleas, as much to lap, as the Bend, of Court of pleas, for Banque of Bend is taken for a Court, as the Rings

Benth, of Court of pleas, too Bancus at Benth is taken to a court, as the same.

Benth, the Common Bench, of.

Fleta lib. 2. in his Chapter De differentils Curiarum. Habet rex Curiam fuam, Fleta lib. 2. ca

see. Et in Civitatibus & Burgis & in Huftingis London, Lincoln, Winton & E.-b. & 25.

borum & alibi in libertatibus, & c. Er cap. 48. Habet rex curiam fuam in Civi. a F. N.B. 67.

tatibus, Burgis & locis exemptis, "ficut in Huftingis London, Winton, Lincoln, juits unun.

Eborum, & apud Shepey, ubi Barones & cives recordum habent, & c. so as red exercit

neither the name unt the Court is appropriated to London.

For write of Error to be brought of any judgement in the Bullings; Sie

the Megiffer and F.N. B.

Concerning forein Mouchers, and forein pleas, fit F. N. B. fo. 6 B. & flatt a.F.N.B. 6 may

de Glouc, cap. 12.

Df Lands bolden, no weit both lee but in London according to the cuffome, Dier 15 El. 317. Audgement ofebe outlamgien in the Bullings is not given by the Paioz, who is Coebner of his Deputy, but by the Recorder by the cultom of this City.

bRegillago this F.N.B. at could Glouc. cap. 13. 2 part Inftit. 33B.3 jurifd.60 36 H.6. 33.

> T.N.B.1 12 C. 32 Eig. Did. 21

Alle de Bond die gene ber Geften hat be eine en Gegebenn feitlich ibe

Mard, icche Daphan uz taken etnap. In Queie Civitatis prædict. cotam Vicedom fine beer trofico lecundust con- Regift. ubi fup, fbetpdinem ejusdem Civitatis. If an erroneous judgement be given befoze the F.N.B. 23. 2. Dhetiffs

The Courts in the City of London.

Sherifs the party griebed fhall fue a wait of Erroz, and remobe this befoze the

Daioz and Sheriffs in the Buffings.

Stephanides ca. de dispositione Foz the Antiquity of the Sheriffs and their Courts, Firz Stephen, who wrote of the gobernment of London in the reign of ming Scephen, of this City faith; urbis.

Hac Civitas Urbe Roma, lecundum Chronicorum fidem, fatis antiquior eft, &c. Unde & adhuc antiquis eisdem utuntur legibus communibus institutis, hæc similiter illi regionibus est diftinata, habent annuos pro Confulibus Vicecomites, habet Senatoriam dignicatem, & Magistratus minores, &c. ad genera cautarum, deliberative, demonstrative, judicialis loca sua fora singula, habet sua diebus sta-

tutis Comitià, &c.

In Lib. Abbat. de Ramfey. *Tempore H. I.

Nota.

In the book of the Abby of Ramley to a conbepance of concord * without date, made in the Court of the Bullings of London of a certain house in Walbros within the City, between Wilcoothus de Walbroc, and Renaldum Abbatem. de Ramfey, the witnestes were (smongst others) Willielmus de Einsford Vicecomes de London, & Johannes Subvicecomes ejus, & Gervasius Glericus ejus. Poze might be taid bereof, but it is clear, that to long as this City baid been a County of it felf , to long there have been Speriffs, for it cannot be a County without Speriffs. There are within the walls of this City 97 Parifies, and out of the walls 16 Parities; flanding partly within the Liberties of the City, and part without in Midd. and Surrey.

4. The Court of Equity before the Lord Mayor, commonly called . The Court of Conscience.

1 H. 6. 14. Lib. 8. fe. 126. Lib. Int. Raft. Cuftom 21, & Viller.

The Cuttom of London is, and bath been time out of mind, that when a man is impleaded befoze the Sheritis, the Papor upon the fuggeftion of the Defendant may lend for the parties and for the record, and examine the parties upon their pleas, and if it be found upon his eramination that the Plaintiff is tatistled, that he may award that the Plaintiff shall be barred: and this was bolden by the Court to be a good Cultom, but by no Cultom be can examine after juogement. Rote a Court of Equity may be bab by prefeription, but tannot be raised by grant, as bath ben faid in the Chapter of the Chancery, and of the County Palatine of Chefter.

5. The Court of the Mayor and Aldermen.

See 43 El, c.12. Lib.4.fo. 64,65. Fulwoods cafe. The print is 28 E. g. cap. to. but it should be by Parliament in Altered in the

This is a Court of Mecozo, and confifteth of the Lord Papez, the Mecozder and 23 Albermen, whereof the two Sheriffs being Albermen are part.

It is ozdained and establifed that the Papoz, Sheriffs and Aldermen , which babe the gobernance of the City, thail redrete and correct the errors, defaults and milprifions which be used in the City of London, for default of good gabermance of the Papez, Sheriffs, and Albermen, ac. This is declaratozy of their fogand fo refolved former potter of gebernance, and for this cause principally amongst others, this Court mas inftituted.

In this Court are many Courts, as namely.

penalty. 17 R. 2. Rot. Par. nu. 26. explained. Parliament not to extend to error in judgement.

6. The Cours of Orphans.

Louis a kolocu, no todie beid les but in Loudon - containe sette entrant

F.N.B.142.g. 32 E.3.gard.312 1 R.2.ibid. 166. Lib.4. 64, 65. Rot.Par. 1 R.2. DH. 130.

a Millage

The Payor and Albermen by Cuffom have the cuftody of Dyphans within the City. And if they commit the cultody of the Daphans to another man, be shall habe a rabithment of Mard, if the Diphan be taken away.

It is enaded, that the Payor and Chamberlain of London for the time being acolor modic sil maniopont onesmo

thall habe the heping of all the lands and goods of fuch Dephans as bauven within the City, fabing to the Bing and other Logos their rights of fuch as bold of them out of the lame liberty.

A Recognizance may be acknowledged in this Court befoze the Papoz and Lib.4.fol.64,65, Fulnoods cafe.

Abermen to the Chamberlain foz Dzobans.

The Chamberlain is a fole coppoparion to bim and his fucceffogs fog Dephans: Lib.4. ubi fup. and a recognisance of bond made to bim and bis fuccedors concerning Dubans.

full by cuftom go to bis fucceffoz.

The gobernment of Dephans belong to the Papoz and Albermen, and they babe furifoidion af them, and therefoge if any Dephan fue in the Eccleffaftical Court, og elfwbere for a legacy, og bury due to them by the Cuftom, a Prolifot. tion outh lye. Sie the Firit part of the Inflitutes, Sed. 267. bom the guds of a Freman af London Ball be Dibibed.

Farthe Liberties of London, fit 50 E. 3. fo. 143.

An An man made in 7 H. 4. cap. 9. much prejudicial to the liberties of this 7 H. 4. cap. 9. Cirp, which is in print, and it was repealed in 9 H.4.nu.30. which is not printed.

It would ask a Treatife by it felf to bandle at large the other authorities and powers of the Pagoz and Albermen in the Court of Albermen, and of the ether Courts within this City, which we will run ober as briefly as the can. And the rather, for that in my Bobs of Meports I babe publibed many cafes Lib 2. fol. 17. concerning the Courts, Cultoms, Liberties, Franchifes, and Bzibiledges of Lib 4.fol 18.74, this City, and also in the First part of the Institutes, and in this and other parts Lib. s. fo. 63,64, thereof. a to that a but of call

Rot, Par. 9 H.4

73,83,107. Lib. 8. fol. 122.

125, 126, 127. Vide 129. Lib. 11. fol. 53. & 194. James Baggs his cafe. See the first part of the Institutes fo. 176. b. Sect. 267. See the second part of the Institutes, Mag. Cart. cap. 9. Maket . 18 . Trem 1 Mc

7. The Court of Common Councell.

This Court bath fome relemblance of the bigh Court of Parliament, for tt Lib. 5. 60. 62, 63. This Court bath tome resemblance of the papor and Albermen, and the other lains cafe, of fuch as be of the Common allembly refembling the whole Comminalty of Lon- Lib 8. fo. 123 don. In this Court they may make conflitutions and lattes for abbancement of 125. Lecale del trade and traffich 1 for the better execution of the lates and detutes of the Mealm, City de Londres or pro bono publico, and for the god government of the City. Do as thefe con-Ettutions and laws be not contrary to the laws and Catutes of the Kealm. And this being made by the Papoz, Albermen, and Comminalty, babind within this City and the Liberties thereof. They of the Common affembly do gibe their affent by boloing up their bands.

8. The Court of the Ward-mote.

Wardmote is beribed from Ward and Dote, that is , the Ward Court. In London the Parifies are as Louis, and the Maros are as Dundeds, and here. 7 H.6.36,38. fore Riens diens Gard man a good thallenge at the Common late.

In this City there are 26 Marbs bibided for the government of them amongt the 24 Albermen of the City. This Wardmote inquell, confifting of 12 of moze 32 H.S. cap. 17. of ebery Ward, Ballinguire of fuch perfons ab babe not paved or amended their parts and poztions of the Streets and Lanes within the faid City, ac.

9. The Court of Hall-mote to main and

This is deribed of Hall and Moce, as much to lay as the Ball Court, J. Conventus Civium in Aulam publicam, ebery Company of London habing in Daff Wierein they heep their Courts, and this Court anciently called Hall-more of Folk mote. The

The

10. The Court of the Chamberlain for Apprentices.

Lib. 8, fo. 139. the case of the Ciry of London.

This Court concerning the making frie of Apprentices. One map be free of London thet manner of wayen, viz by Derbice, an bere in Cale of Apprenticen : 2. 159 Wirtheight, the fonne of a Szieman : and 3. 189 Medemption, by order of the Court of Aldermen.

a Rer. Par. 7 R 2 Note hoc. 8 H. 7.4. b. Dier 12 EL 373. 7 H. 6. 1. at H.7. 16,17. Pl: Com. 36.b. 38. 47. 59. Lib.8.fo.129.

Law to treat of the great and notable Franchites, Liberties, and Cultomes nu. 37.
Vid.inf. 252.253 of the City of London, mould require a topole Molume of the felf. But there is a mod teneficial fatute made for the firengthening and preferbation of the fame, which I know no other Corporation bath. In is enaced that the Citizens of London fpall enjoy all their tobole liberties tobattoever with this Claufe, Licer ufi non fuerunt vel abufi fuerunt, and notwithfanding any * Statute to the contrap at. Legestarutum, for by this Sathe City may claim liberties by pieleription, Charter, og Parliament, notton bffanding any fatute mate befoge 7 R. 2. And this is the flatute mentioned in our Boks.

11. The Court of the confervation of the Water and River of Thames, Ove.

4 H. 7. cap. 15.

Rot, Parl. 2 H. s.

mu. 15.

The Maioz of London for the time being bath the conferbation and rule of the Water and Riber of the Thames, and the Iffices, breaches, and lands overflown, ec. from the Bzinges of Scanes unto the water of Yendall and Medwey, and authozity as touching punition for ufing unlawfull Rets, and other unlaw. full Engines in fifting, and to all correction and purifyment there concerning Ret. Parl. 1 H. g unlawfull Rets and Engins there. In all Commissions touching the water of Ley, the Maior of London thall be one. Set bereafter Cap. Commission of Sewers the Catute of 3 Jac, cap. 14. that Detvers that fait into the Thames shall be fubted to the Commillion of Dewers.

mu. 16. 3 Jac, cap. 14.

12. The Court of the Coroner in London.

The Payor in Corner within the City of London, and the Court of the Co. roner is bolben befoge bim og bis Deputy. Vide polica in the Chapter of the Cozoner.

13. The Court of the Eschestor in London.

The Logo Paper is allo Cichenter within the City, and this Court is bolden befoze bim oz bis Deputy. Die befoze in the Chapter of Elchentoz.

14. The Court of Policies and of Affurances in London.

This Court Atteth by force of the Commission under the Great Seal warran-43 Eliz, cap. 12, ted by Ad of Parttament, Am 49 Ehz capt In Gere Deing an Difficer og Clerk te regifter affurances, the jurifoidion of which Court you may read in that Ad of Partiament made to encourage Perchanta to trade and traffich, the benefit whereof appeareth there, and to to long to be recited, and the rather for that me can adde nothing to that Act of Parliament.

15. The Court of the Tower of London.

This Court is bolden within the Wirge of London Before the Dreward Dere by paster/prion of deut, resthalle and wieder Actions of any fumme greatet de let-

Dote; where it is late, that the Lower of London is within the City of London, it is thus to be underflood, that the ancient Wall of London (the mit. tion whereof yet appearets) estendeth through the Tower, and all that while is indirence with the fair wall, we dire the their partibered, is bitter to the of London , that to tag, in the parties All-Saints Barking billing the main of the Lower of London. And the remade of the Lower of London, of the Cast part of that encient wall is within the County of Middle fex. And fits u on hiew and eramination was found out, Mic. 13 Jac. Regis, in the cate of sit Thomas Overbury, tobe was poplated in a Chamber in the Lower on the west part of that eto wall. And therefore Welton the principal murderer was tried before Committioners of O'er and Terminer ill Bondon, and it was Dir Gervale Elvice Lientenant of the Lower, apactellary,

16. Of the Junifdiction and ou bority of the Prefident, Cenfors. and Comminalty of the Colledge of Phyficians, frituate in Knight Riderftreet in the Ward of Caftle Barnard within the City of London and 7. miles compaffe.

Of this Colledge, and of their jurisdiction and authority, lufficient bath ben faid in the 8. Bot of Reports it Portog Bonhams sule, whereunte the refer the fludious Reader. Persuntatus will abbe for the fairly of Physicians, especially

of the Bings Popfitions a Record togethe of oblinescion.

* Rex adversa valetudine laborate de affensa contilui fui affignavic Jahannen Arnodel, Johannem Saceby & W. Harcliffe Medicose Robertum Warren & Johannem Marshall Chirurgos ad libere ministrandum & exequendum in & circa perfonam fuam; Imprimis vie quod licite valebne moderare fibr dizeam fuam & quod poffic ministrate Posiones, Syrupos, Confectiones, Lauitivas medicinas, Clysteria, Suppositoria, Caput purgea, Gargarismana Lealnen, epithimota, fomentationes, embrocationes, capitis rafuram, un diones, emplatera, cerera ventof. cum scarificatione vel fine, emorodorum provocationes, &c. Dantes fingulis in mandatis quod in executione pramiforum fine intendentes, &c.

Upon this, Kour things are to be oblerbeb. Firmebabite Abpfich onghe to be given to the ming without good werrant. 2. Shat this Warfant ought to be made by the addice of bis Councel. 3. They ought to ministen no other The fich then that which is fer bown in wetting. 4. That they man ale the mit of thole Chirurgions named in the Marrand, but of no Apathetary 3 but to prepare and do all bings themselbes, ac. And the reason of all this is the precious regard bad of the health and fafety of the bing, which is the head of the Common wealth.

* The Acience of Physick containeth the briotoledge of Chicurgery.

If one that is of the myterie of a Phylitian take a man in ours and gibeth 3E. 3. coron. 165 bim fuch phylich as within the sages be ope shoreof, without king relations in-

tent, and againft bir will, it is no Domicioe.

But Britton faith, that if one that is not of the mefterie of a Physician of Chie Briron cap go runglen, take upoir bim the cure of a man and be bieb ef the Poston og Webicine, De homicides. this is (faith be) covert feleny.

Abplitians and Chicurgions foient Sages en lour faculties, eyent fanes les Mirror ero de confeiences, cy que rien ne ent failli a faire cure, fila ne favoient a bone chefe Sed. D mitter, on filz a bone chefe fcavoient & fentre mettent ne quidant follement ou cite, Verh

Li. 8.10. 107, &c. Dr. Bonhams totes o 3 H. S. C.E.& 11 14 H. 8. ca . 5. 1 Mar. car. 9 32 H. 8. ca.40 43, 34 H.

R.t.Pa .32 H. 6.m. 17.by what Warrant Phylick the King.

*33 H.8.cap.40.

negligentment

negligentment iffint que ilz mittont froide pur chande ou le revers, ou trope pen de cure, ou nemi mitter un due diligence, & nosmement in arfons & abscissions que sont desendus a fare forfq; al peril des mesters fi lour patients moreront ou perdent memorie, in tiels cases sont ils homicides ou mayhemers.

And thus much concerning Phylitians. For Courts holden in other Cities, Lowns Copporate, and Burghs, our purpole is not to treat of them, because they are pribate and fufficiently known; but let us fay fomewhat of the liberties, franchifes and immunities of this noble Cicy.

Parl. 17 R. 2. nu. 26.

It is enacted, that the flatute of 28 E. 3, eap. 10. Chall not extend to any errone. ous judgement given of to be giben in the City of London.

De after, cap 54. the ancient office of garbling of fpices, ec.

Regift. 267.b.

There is a Mart in the Regider necessary to be put in execution for the whole. comenette of air in London, and in all other Cities, ac. De vicis & venellis mutandis.

See the third part of the Inft. Cap. Burglary or Burgulary.

Loureulary of Lourglary is an offence when any call any corrupt thing appopfoning the water in oz about London, compounded of thefe the words Lour coz. ruption, and Laron a Thief of Felon, as * Burgulary : and if any ope by reafon of any fud offence within a year after, it is felong, and ertendeth to all other Ciries, Burghs, ec.

It was petitioned to the Ring, that no man in Cities, Lowns, or ellewhere, do carry Paces of fiber, but only the Rings Derieants at Armes, but that they carry Paces of Copper and of no other mettal. Whereunto the ming antipered. The fame thall be fo, ercept the Derfeants of the City of London, who may carry their spaces of Alber within the liberties of London before the paper in the prelence of the Ming.]

Omnes homines London fint quieti & liberi, & omnes res eorum per totam Angliam, & per portus maris de theolonio & paffigio, & abomnibus aliis confuetu-

11 H.3.18. Feb, Special and rare Liberties grant-ed to the City of London.

V. Carram H. T.

De liber. Lond.

In the Charter of H. 3. bearing Tefte 18 Febr. Anno regni fui 11. the wind granted to the City of London Vicecomitatum London & Midd. &c. And in that Charter this Special frambile and priviledge is granted to the Sheriffs of London and Middlefex for the time being in shell words. Ita feilicet quod fi illi qui pro tempore fuerint Vicecomites constituti aliquod delictum fecerint, unde mifericordiam pecumiz debeant incurrere, non judicentur ad plus nisi ad misericordiam vigint, lib. & hoc fine damno aliorum civium fi vicecomit, non fufficiant, ad misericordiarum suarum solutionem. Si verò aliquod delictum secerint, per quod periculum vitz vel membrorumincurrere debeant, judicentur ficut judicari debent per legem civitatis : De hiis autem qua ad pradicum vicecomitatum pertinent respondeant vicesomites ad Scaccarium nostrum coram Justiciariis nostris. Salvis eisdem vicecomitibus libertatibus quas alii cives London babent.

In the Charter of the fame Ring bearing date 16 Martii Anno regni fui undecimo supradicto, the ming granted to the City of London, Quod nullus civis civis tat. pradict, faciat duellum, & quod de placitis ad coronam pertinent, se poffint difrationare fecundum antiquam confuetudinem civitatis, & quod infra muros civitatis, neque in portefokne nemo capiat hospitium per vim vel per liberationem Mareschal. &c. & fi quis in aliqua terrarum noftrarum citra mare, veloultra, five in portubus mariscitra mare, vel ultra, theolonium vel aliquamisliam consuetudinem ab hominibus London ceperit postquam ipse à recto desecrit,

Vic. London namium inde apud London capiant.

In another Charter of the fame Bing bearing bate 18 Augusti Anno It fuprad A. the Bing did difaffozell and difmarren the Fozell and Charren of Stanes in the County of Middlefex. 1980

and by another Charter of the fame Bing bearing date 26 Martii Anno regni fui s2. the King granted to the Citizens of London in thele words. Concessions ersdem civibus, quod de placitis ad coronam pertinent, & hiis maxime, que infra civitatem prædictam & ejus suburbium fieri contingent, fe possint difrationare

Anno IT H. 3. 16 Martii. Duellum.

Hespitium. Per liBerationem Mareschal-

Anno II H. 3. 38 Augusti.

Anno 52 H. 3. 2 4 Martii. De placitie ad coronam.

[Amg

feeundum antiquam consuetudinem civitatis prædict. eo tamen excepto, quod su- Super tumulos, per tumulos mortuorum de eo quod dictur: effent mortui fi viverent non liceat pracife jurare fz. loco mortuorum qui ante obitum fuum electi fuerint ad eos difrationandos qui de rebus ad coronam spectantibus appellati fuerint, vel rectati alii liberi & legales eligantur qui idem fine dilatione fatiant quod per defunctos memoratos, fi venirent fieri oporteret. Et quod tam forinfeci quam alii attornatos Attornati in facere possint in Hustingo London tam agendo quam defendendo in curia no-

The Citizens of Burgelles of London were befoge and after the Conquell goberned by Portgraves of Portgreves untill the reign of R. I. by whole Charter they were goberned by two Bailiffs : and pet sing Richard in the first year of his reign appointed them a Papoz, who continued therein untill the Eighth year of king John, and then king John appointed a Papoz. And fogalmuch as concetimes the Payor appointed by the Ming was no Citizen of London, Ming An. 10 Johan. John in the Lenth pear of his reign granted to the Citizens liberty and authozicy to thoote de feipfis a Payor, oc. And fa it continueth unto this day.

Mayor de feipfi Ebe Albermen of London were thanged by election every year untill 28 Albermen.

Mayor de scipsis

E 3. Aben it was ogbered they hould not be remobed without some special Roc. Parl. i7R.s raufe. But Rot. Parl. 17 R. 2. nu. 25. if is enaded, that the Albermen of London nu. 25. enacted. fall not from benceforth be yearly chofen, but femain till they be put out for reatonable caule, notwithtanding the Dedinances of B. 2. and E. 3. and fo it fill continueto.

Rot, Pat, Anno i E. 3. the ming grantes that the Citizens of London fould not be constrained to go out of the City of London to any war : and the liberties Warre. of this City hall not for any caute be taken into the mings hands. Rot: Parl. be taken into z E. 3. Authoritate Parliamenti.

the Kings bands.

Die hereafter Cap. of Forests, pag. Cart. H. i. foz their recreation by bun-

Albeit by the flatute of Magna Carra and other Acts of Parliament, the libers Mag. Carr.cap. ties, pribiledges, and franchifes of the City of London beconfirmed : pet the Rot. Pat. 71 H. 3. mod beneficial of them all is that of * 7 R. 2. befoze mentioned : whereby it is nu 19. enacted, that the Citizens of London shall enjoy the same, with this clause; 50 E.3. nu. 143. Licet asi non fuerint vel abusi fuerint, and notwithstanding any statute to the Rot Par.7R.a. contrary.

These notable, rare, and special liberties and pribiledges we have aftempted a Nota hoc. to remember : but whether berein we habe bone that good to the City that the intended, we know not, for we habe emitted many more of no Small number of great rarity and confequence, to long bere to be recited.

Vid. fup. pa. 250;

De befoge pag. 125. Breve de liftis & barris pro duello fac. Vid. Rot. Cart. 18 Februarii 11 H. 3. against the eraction of the Lieutenant of the Cower of Midelles, ec. 2 part of the Inftitutes Mag. Cart, cap. 23.

The Court of the Justices assigned for the Government of the Jewes.

The Court in shell its of &

nikaro arangan manibanah da interpitat Kiebnes ?

Justiciarii ad custodiam Judaorum assignati.

Inter leges Edwardi, Lamb. cap.29.f.133. b. Mnes Judzi ubicunquin regno funt, sub tutela & desensione Regis ligea debent esse, nec quiliber corum alicui diviti se potest subdere sine Regis licentia: Judzi enim & omnia sua Regis sunt, Quod si quispiam detinaerit cos, vel pecuniam corum, perquirat Rex, si valt, tanquam suum proprium.

Rot. Pat. 41 H.3

erit eos, vel pecuniam eorum, perquirat Rex, si vult, tanquam suum proprium.

Abese Austices did beld a Court concerning the cultody and gobernment of
the Ietness, as (among many other Mecogds) it appeareth Ros. Pat. An. 4 i H.3.

m. 4. nu. 6. And that then Philip Baffer, Philip Luvell, Henry de Bathon, and
Simon Passel, &c. were then Austices ad Custodiam Judzorum assignat. That
when the Ietness were utterly (as bath vien tato) banished, this Court ceased,
tablish was in 18 E. 1. Anno Domini 1293. At the Second part of the Institutes Stat. de Judaisno. Ros. Claus. 18 E. 1. memb. 6. See Tho. Wals. in Hypodigmate Neustriz 18 E. 1.

The Courts of Stainclife and Frendles Wapentakes

Section 5, we have not. We was passed that the many man, of washall number of grant path configurations and configurations are not recipled.

Section of the section of the section of the Structuration of the Section of the Section

3 H. c. cap. 2. Because I sinve mention made in Aca of Parliament of the Courts of 9 H. c. cap. 10. Betainclife and Frendles Caspentakes, sc. I thought good to refers you veo those Acts.

CAT.

CAP. LI

Of the City of Westminster.

I bath big name of the Monattery, which Minter Agnifieth, and it is talled Westminster in respect of the Rastminster not far from the Tower of London.

Abis Westminster Sebert the first king of the Cast Saxons that has Sebert began his Childened, founded; and he sounded also the University of Cambridge, as reignanno Domi

mozhs and witneffes of his Christianity.

But feating thefe, and others of tike nature, to others, not lying property in my may; let us turn our ege to luch particular jurisdiction as within this City is exercises. For the better unverstanding whereof, it is to be known that within this City there are Twelve leveral Wards, our of which there are elected one Burgeffe and one Affiffant in every feveral Maro; and out of thefe twelve, two are eleged yearly in the Thursday in the Balter week for Chief Burgeffes to contique foz one whole pear following. To thefe Burgeffes authozit is given by This Ad was a Ra of Parliament in the 27 pear of the reign of Quen Bliz, (not printed) to the first but hear, examine, defermine, and punit according to the lawes of the Mealm and bur is continued. lawfull cultomes of the City of London, matters of incontineucy, common fcolos, to this day. Jumates, and common annoyances, and like wife to commit fuch persons as thati offend against the peace, and thereof to give knowledge within 24 bours to some Justice of Beace within the County of Midd.

Die thing concerning this ancient Ponaltery is oblerbabte; that after the Sca before in Digh Court of Parliament was aibided into two teveral houses (topered we the Chapter of have fait tomewhat in the Chapter of the Bigt Court of Partiament) the ac. the High Court cultoined place of that theice morthy Affembly of the lanights, Citizens, and Burgeffes of Parliament (when the Parliament was holden in Weltminster) Rot. Parliament was in the Chapter-boule of the Abbotaf Weltminfter, there to Debate and confult 10 E. 3.nu. 8. De arduis & urgentibus negotiis regni, & statum regni & Ecclefiz Anglicanz concernentibus, &c. And this continued until the Catute of t E. 6, c. 14. which gave to the Kings Colledges, free Chappels, Chaunteries, and whereby the King enjoyed the ancient and beautifull free Chappel of S. Stephens, founded by King Stephen, (which had laune and revenues of the old yearly value, of 1085 1, 108.

3. 1 Since which time the Chappel thereof bath ferved to the Bonte of Continuous when Battiaments have veel botten as Weltminiter. It is a fine from Tempore E. 1. 11 H. adolphus de lingham Chief Indica of Bogland (a very pass man being fined Tempore E. 1. 12 beidge him at 13 8. 4 d.) in another Learn, manage with puts cancer the Being Vid. 2. R. 3. Eto.

tailerrated and made as a difor which he (for his fine) made the Clark it to he besty link Westwinster, which cast bing-800, marks, and continueth onto this day, which fumm was entred into the lately and almost in the like case in the reign of Queen Elizabeth. Dir Robert Catlyn Chief Justice of England would bave bad Justice Southcock (one of his conjugations Buffice of the Bings Bench) to babe afteren a Mecord, which the Intine bengeb to bo, and fale openty in Court, that he meant neste build a

Clockboule.

entry in

This Monafterp in Anno 30 H. 8. was furrendges to the Bing, who erenes thereof a Dean and Chapter, Anno 33 H. 8. it was raifed to a Bifoprick, and Thomas Thurlby made thereof the firt and laft Bilbop, oc. Queen Eliz. made it a Colledge confiling of a Dean, twelbe Wechends, a Achaelmafter, an Wher, 40 Scholars, and 12 Almefmen, and falit was named the Collegiate Church of Westminster.

3n Anno 37 H. 8. the Bings Panoz of V Vehminfter was made an Bonoz. ems onel

of Parliament

37 H.S.cap. 18 1

CAP. LII.

Of the City of Norwich, &c.

In the book of Domefday made by William the Conqueror:

Athin this City there was in the reign of Bing Edward the Confestor 1300 Citizens, and then this City paid to the Bing 201, and to the Carl 101. And belides thefe 20 s. and Four Bebendaries and Dir Dertaries of honey, a Bear, and Dir bogs to bait him. Dowit pielo. eth 70 l. to the lking, and a 100 s. to the Queen, and a Palfrey, and twenty vound of white rent to the Carl, ec.

The foundation of the Incorporation of this City is very ancient, for in ancient Manuscripts it appeareth that In tempore Steph. Regis de nova fundata &

ut Villa populata communitas fact'.

This City is bighly commended for many things, for it is truly faid of it, Camden in Bri- Quod suis opibus, frequentia, zdificiorum elegantia, Templorum pulchritudine & numero, (Parcecias enim plus minus 30, complectitur) Civium fedulitate, in principem fide, in * exteros bumanitate, inter celeberrimas Britannia urbes merito connumeranda, &c. Moenibus validis (in quibus crebræ dispositæ turres, & undecim Porta) undique obsepta, nisi ad ortum qua flumen (cum sinuoso flexu L. Pontibus pervium Septentrionalem urbis partem interluetit) profundo alveo & pracipitibus ripis defendit. * It is preferred before all the Cities in England ercept London. It bath above 30 Parifies, and it is as large within the walls as

London. It had within it and the Liberties Dir Religious houses a one Bolpital. For the better establishing of the Ecclesiatical jurisdiction belonging to the Bishop of Norwich (of which jurisdiction in general we are to treat hereafter) it

thall not be impertinent to fet bown the true Cate of this Bifbopzick.

In Anno 27 H. S. and befoze William Rugge Doctoz of Divinity of the Untberfity of Cambridge was Abbot of the a Monattery of &. Bennets de Hulmo in the County of Norf. and the Bispoppick of Norwich becomming boid by the beath of Richard Nick commonly called the blind Bifop, the Bing nominated dict of the black the fath Abbot to be Bifbon of Norwich. And afterwards the 4. of Febr. Anno

It was (amongst other things) enacted by Authority of Parliament. That fuch person as should be elected and consecrated Bishop of the said Sea should have and enjoy to him and his successors Bishops of the said Bishoprick of Norwich united and knir to the said Bishoprick the Monastery of Saint Bennets, and all and singular Manors, Lands, Tenements, &c. belonging to the faid Monastery, &c. the person which should be named Bishop of Norwich and his succes-The like is not fors Bishops of the same Bishoprick from thenceforth should be Ab-

bots of the Monastery of S. Bennets, and have the dignities of the said Abbacy united, incorporated, and knit to the Sea of the said Bithop, &c.

Lout perule the ftatute, and you fall find that Doctoz Rugge had Beneficium viscatum, for the Bisbonzich loft much moze by that Act than it gained. And af terwards this Dodoz was elected and confectated Bifpon of Norwich : And being Patron, in the right of his Bishoppick, of the Hospital of D. Giles in Norwich, he as Batron, and Nich. Shaxton Patter of the faid Dolpital by their been acknowledged and inrolled bearing date 6 Martii Anno 1 E. 6. Did give and grant to Bing E. 6. bis beirs and lucceffogs the fato Polpital and the poffeffions and bereditaments belonging to the fame, and all other their postessions and heredita

tannia.

* Urbanicas ab urbe.

* Alex. Nevil. aThis Monastery was founded by King Knute & increased by Ed. the Confesior, & the Monastery made of that ftrength as it feemed to be potius castrum quam claustrum. It was of the order of S. Bene-Monks.

b Statut, de 27 H. 8. concerning the Bi-Shoprick of Norwich.

in England.

See before in the Chapt, of the royal Franchife. of Ely, that King H. I. of the mo. naftery of Ely made a Bishopr. butKing H.I.had there is one ends another.

Timer

Dereditaments in the faid County of Norf. Certain Concentors (Templorum helluones) by pretert and colour of the faid general words patter the postellions and bereditaments of the fair Monastery of D. Bennets de Hulmo in a book of concealments under certain obfcure woges (which appear in the Act of Parliament bereafter mentioned) by Letters Patents of concealment bearing bate the 2 bey of August, Anno 27 Eliz. and William Redmain Dome of Dibinity, and Biftop of Norwich causes one Hammond a friend of his to take an ellate to bim and his beirs of and from the faid Concealogs of all of the greatest part of the fair Ponattery: which I (being then ber Pajellies Atturny General) under-fanding, and utterly millibring the proceeding berein, conferred with the faid Biftop about the fame, and in the ond be was brought so agree, that an Act of Parliament thouse passe so the establishment of the iniu widespick and of the possessions thereof, which Air (where with A was well acquainted) passed at the Barliament holden in Anno 39 kl. and is in print, tobich you may read at large, 39 El.cap. 22? inderein you shall observe the frant and fallpoop of the Concealers.

embat attempts these Conceators (graceleffe and wicket men) made to the Lib. 3 fo. 73. the hibbertion of the Deanery and Chapter of the Cathredgal Chares of Norwich, cafe of the Dean you may read in the Third book of my Menosts, 73. Sed (favente Deo & aufpice and Chapter of Christo) ifti helluones non pravaluerunt. Tablich 3 bave the rather remembred Normick. both for the establishment of the fair Bispoprick, as for the repose and quiet of bery many Fermozs, Officers, and other perfons claiming interest in the mis

noffections in my native Country.

And if any quellion that bereatter be made rithes concerning any of the solfellions of this Bilbopzick, or any other, or of any Wean and Chapter, or of the Colledges in either of the Univertities, or. by any Concealer of other; their polfellions are established by the Act of Parliament of 21 Jac. cap. 2. intitutes An 21 Jac. cap. 2. Act for the general quiet of the fubject sgainft all pretence of concesiment what-

For the Courts of Indice within this City (which is our principal atme) me have treated of the like befoze in the City of London. Le fire toe will ande an Act of Patliament concerning the jurisdiction of this City (whereof we have not found the like that we remember in any other) which in effect is as fol-

loweth.

It is enacted for the Citizens of Norwich, that if their Customes and Par. a R. ainsi Usages, heretosore used, or hereaster to be used, be difficult or dese- It hath now Crive in part or in all, or that the same need any due amendment for any Mayor and as matter arising, whereof remedy was not aforetime had, that then the Roc. Cart. Annual * Bailiffs and 24. Citizens of the same City, so therefore yearly to be 4 H. 4. chosen, or the greater part of them, shall from henceforth have powerto ordain and provide from time to time fuch remedies which are most agreeable to faith and reason, and for the most profit, the good and peaceable government of the same town, and of strangers thereto repairing, as to them shall seem best, so as such Ordinances be profitable for the King and his people.

At is a County of it felf, and hath two Sheriffs and large liberties without the walls. See the flatute of 33 H. 6. cap. 7. bow many Atturnies fould be in 33 H. 6. cap. 7. his Cid. See befoze in the Chapter of the Pigh Court of Parliament concer-"Inc. Logar Wil. this City. Sie befoze in the Chapter or the Piny Court be particle. Sie Rot. Parl. Conq.Lam. 125.
uing new Dzaperies, gc. and Mozskeads, gc. made in this City. Sie Rot. Parl. Conq.Lam. 125.
Inc. Leges Ethelic

* Burgi & Civitates fundat' & zdificat' funt ad tuitionem gentium, & populo- fani & Canuti rum regni, & ideireo observari debent cum omni libertate, integritate & ratione. fo.62. to6.

14 H. 4. It, is enacted, that the Merchants and Artificers of Worfleads in Norf. may fell their fingle Worsteads to any place or persons be- "Parti4H. 4.mil ing of the Kings amity notwithstanding any Inhibition or Liberty to the 47. act in Print contrary.

Rot.Par. 11 H.4 nu.48. Trin. 13 E. 1. in Banco Rot 76.

We that beffres the tearms, true makings, and quantities of amorticads Let bim read the fatute of 11 H. 4. Rot, Parl. nu. 48.

Trin. 13 E. I. in Banco, Rot. 76. Inspeximus Carr. H. 3. Civibus Norwic' de

libertatibus concess'.

The beautiful Cathedial of Pother Church of Norwich was begun to be built by Herbert Bilhop of Norwich, Anno o Willielmi Rufi.

19 E.3.jurifd. 12 26 H.8, cap. 3.

parried Ifabel

Earl Warren,&

daughter and

Earl Warren.

Vid.Mar. Par.

. n. 480,0%

& white they be

.var mal pro

pag. 92.

The Bilhops of this Dee had the first fruits of Occlefialtical Livings within their Diocesse befoze the Catute of 26 H.S.ca.3. which no Bishop, oz Archbishop of

It hath alfo a famous River abounding with Fift, especially the Pearch.

The Grong and noble Cattle of Norwich called Blanchflower indirence about with the City, but no part thereof but of the County of Norf. was not (as some Suppose) built by Bigor Garl of Norf. which some upon vieto thereof have conjedured, for that the Arms of Carl Bigor are graven on the Walls thereof. For the find a Charter of Ming Stephen in thele woods. Stephanus Rex Anglorum Archiepiscopis, Episcopis, Abbai, Justic, Comitibus, Baronibus, Vicecomitibus, Ministris, & omnibus fidelibus fuis Anglia, Salutem. Sciatis me dediffe in * This William feodo & hæreditate * Willielmo Comiti Warren, filio meo Castellum Norwici cum toto Burgo, &c. heir of William

And Rafe de Waet Carl of Norwich befended this Cattle of Norwich agains William the Conqueroz, who was briven out of England, and travelled with his

in her right was wife to Jerusalem.

But true it is that Carl Bigot being after owner thereof, bid both repair and enlarge the fame, and let his Arms upon the malls thereof. And to much for the Antiquity (a great Denament of this City) of this Caftle, which now for mant of reparation is ready to fall.

To conclude, This famous and free City is justly to be commended for profestion on of true Religion, their Loyalty to their Prince in all times of tumult, the good

Usinges, because of the best for to be used be difficult or dete-

Give in care or in all a of the constant and sure it commitment for any

able to faith and readen, and for the most profit, the good and peaceable government of the fact them, and of firangers thereto repairing, esta them finall feem bulk, in as such Ordinances be profitable for the King

government of themtelves, and the exercise of works of Charity.

This is the chief City of my Rative Country.

Nescio qua natale solum dulcedine cunctos Ducit, & immemores non finit effe fui. It is enalled for the Oltinens of contriet, that's cheir Coftomes and Paratt page

tasiain estrució aport era etipación en estate es en o

. The relative to the street of the Piggs Confer of Parlichment concerns.

The relative and also five a confer in the office.

rain seems so described and deben, are some benear described to adore the standard of the too.

It is the sent flesh that the Merchants and Araincers of Wor-september.

Therefore in york, may reliable their single Worfleads to any place or persons be-

ing of the Kings centry not with iten ling any Islaidion or Liberty to the error inches

est course of an India, also, at bottom representate algorith being 53 M. G. cop. s.
For contrast and indiana of the object of Darishman Contrast contrast and the contrast co

e antière que en en est est est en gention, Et populo. Pari E Canni. et dabre e dat en i E Canni. et dabre e en en en en i berrar entre et al est est est est. et of.

process where we were remedences not aforering had, that then the new were the

* Bailid's and 23. Come an of the time City, to therefore yearly to be all s. thosen or the greater part of them, shall from beautifacto have newer to

or a communication of the second of the contract of the contra

eads. 5 Plend is and Cravienne pravire and debut year it built and it a more considered in a mate, Agranat near the constant of the constant is a point of the constant of th

The Court of the Tourne. Justis land Surface de la contra la contra de la contra de la contra de la contra la contra c

part of the Institutes, Mag. Cart. cap. 35. whereunto we will sine Inst. Mag. Cart. cap. 35. whereunto we will sine Inst. Mag. Cart. cap. 35. whereunto we will sine Inst. Mag. Cart. cap. 35. whereunto we will sine Inst. Mag. Cart. cap. 35. whereunto we will sine Inst. Mag. Cart. cap. 35. whereunto we will sine Inst. Mag. Cart. cap. 35. whereunto we will sine Inst. Mag. Cart. cap. 35. whereunto we will sine Inst. Mag. Cart. cap. 35. whereunto we will sine Inst. Mag. Cart. cap. 35. whereunto we will sine Inst. Mag. Cart. cap. 35. whereunto we will sine Inst. Mag. Cart. cap. 35. whereunto we will sine Inst. Mag. Cart. cap. 35. whereunto we will sine Inst. Mag. Cart. cap. 35. whereunto we limit sine Inst. Mag. Cart. cap. 35. whereunto we limit sine Inst. Mag. Cart. cap. 35. whereunto we limit sine Inst. Mag. Cart. cap. 35. whereunto we limit sine Inst. Mag. Cart. cap. 35. whereunto we limit sine Inst. Mag. Cart. cap. 35. whereunto we limit sine Inst. Mag. Cart. cap. 35. whereunto we limit sine. Ro. 35. 12. H.7. TS. Fl. mear Ro. Par. Sine. Ro. Mag. Cart. cap. 35. whereunto we limit sine. Ro. Par. 25. No. 10. Mag. Cart. cap. 35. whereunto we limit sine. Ro. 35. 12. H.7. TS. Fl. mear Ro. Par. Sine. Ro. Mag. Cart. cap. 35. whereunto we limit sine. Ro. 25. 12. H.7. TS. Fl. mear Ro. Par. 25. 12. H.7. TS. 12. H.7. TS. Fl. mear Ro. Par. 25. 12. H.7. TS. 12. H.7. TS. Fl. mear Ro. Par. 25. 12. H.7. TS. 12. H.7. TS amplius in * Hundretto Placita teneant, nec causam quæ ad regimen animarum † i. In Turno. pertinet ad judicium secularium hominum adducant, sed quicunque secundum Episcopales leges de quacunque causa vel culpa interpellatus suerit, ad locum quem ad hoc Episcopus elegerit, & nominaverit, veniat, ibique de causa sua respondeat, & non secundum * Hundrettum, sed secundum Canones & Episcopales leges rectum deo & Episcopo suo faciat. Si vero aliquis per superbiam hundred Course elatus ad Justitiam Episcopalem venire non voluerit, vocetur semel, & secundum that in those simulatur; quod si nec sic ad emendationem venerit, excommunicetur: Et, si opus suerit, ad hoc vindicand, fortitudo, & Justitia regis vel Vicecomitis adhibatur: Ille autem qui vocatus ad Justitiam Episcopi venire noluit, pro unaquadeda. See Magical se interdico, ne ullus Vicecom aut præpositus, aut minister regis, nec aliquis the Exposition amplius in * Hundretto Placita teneant, nec causam quæ ad regimen animarum ‡ i, In Turno. ritate interdico, ne ullus Vicecom'aut prapolitus, aut minister regis, nec aliquis the Exposition laicus homo de legibus quæ ad Episcopum pertinent se intromittat : nec aliquis thereupon. laicus homo alium hominem fine Justicia Episcopi ad judicium adducat : Judicium vero in nullo loco portetur nifi in Episcopali sede, aut in illo loco quem ad hoc Episcopus constituerit.

For the confirmation of this Charter, fee in the Regider of the Biffing of London. Willielmus dei gratia Rex Anglorum R. Bainardo, & S. de magna Villa, P. de Vabines, ceterisque meis fidelibus de Effex & de Hertfordshire, & de Middlesex, Salutem. Sciatis vos omnes, &c. Tenor istius Carta est in Anglico deverbo in verbum in eadem Carta. Confimilis Carta ut ante ex libro Cartarum Archiepiscopi Cantuar'. Against this Charter it is objected. First, the time of a Lib. tubeus in the enrolling thereof, viz. in 2 R. 2. being never heard of before. Decondly, out Custodia Re of the Med book . Inter leges H. 1. cap. 8. de generalibus Placitis Comitatuum, mem,Regis i. as well of the Lourn, as of the County Court.

Sicut antiqua fuerit institutione firmatum, salutari regis imperio, vera nuper Chapter, Vid. ib.

Chapter, Vid. ib.

Adefinito tempore per singulas Applie provincias convenies debere vicibus

Cap. 3.2.

P. 1. & definito tempore per fingulas Angliz provincias convenire debere , nec ullis & Int. Leges Ed. ultra fatigationibus agitari, nisi propria regis necessitas, vel commune regni Lamb. 135.
commodum sepius adjiciant. Intersint autem Episcopi, Comites, Vicedomini, Vid. Stat. de Vicarii, Centenarii, Aldermanni, præsecti, præpositi, Barones, Vavassores, Tun. Marlbr. cap. 106.

compositus tem-pore H.I. cap. 8.

a Ecclefiafticall b Pleas of the Crown in the Tourn. & Private caufes in the County Court.

grevii & cateri terrarum domini diligenter intendentes ne malorum impunitas ant Gravionum pravitas, vel judicum subversio solita miseros laceratione confiniant, Agantur itaque primo debita verz & Christianitatis jura; Secundo b regis placita; Postremo e causa fingulorum dignis satisfactionibus expleantur. Embereupon they conclude, that Wiclewalties chules were bandled in the Lourn in the reign of H. 1. long after the faid tappoled Charter. And certain it is that the Bifpops Confitagies were erected, and cautes Occleffaffical removed from the Lourn to the Confitopy after the making of the fait Hed Book : Ideo penes Lectorem fit judicipm.

In the lame Chapter of the laib Med Book it is further laid . Et quolcunque Shiresgemote discordantes inveniet, vel amore congreget, vel sequestret judicio, debet enim Shirefgemot bis, hundreda, & wapentachia duodecies in anno con-

The Lourn is a Court of Metozo holden befoze the Oberiff : the ancient Institution thereof was before Magoa Carta & to heat and netermine all felontes (death of man excepted) and common nutances. A See the Prature of Magoa Carra, cap. 17. and the Expolition upon the lame in the Second pare of the Infittotes.

The fifte of this Court is Curia vifus Franc, domini regis apud B. Coram Vicecomite in Turno fuo, Sec. and not Turnum Vicecom' tent', Sec. for Tornom est nifi perambulario. The Articles inquitable in the Louen are known, and need not to be here rebentes. The realizable than the property of the person of the person

-burn. The species of the control of the state of the states of adding at the state of the control of the states o

nerge practice of the content of trajes will be the content of depicts being each or any plus of a speciment and content of present or a speciment or a speciment of present or a speciment of present or a speciment or a speciment of present or a speciment o

Par the consumption of their Charles. (or in the sec light of G-17, hop of ingagn. Wallelmin ou ridge fless virglomes the state of his congress

vithe us a men. In de legen M. 1. etp. 8. de general des Placits Communa. sente

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construction of the state of th

widers Aldermant profess, prapopal Uniones, Vavadore, You

ma factic informatione figure cam, faltatel recisione die, sera super figure verd to what

d Turnun as ic is here taken. e And fo is the Turn bolden to this day. Mag-County Court AE.CAL 35 3 E.6.24. \$ 22 K4.22 a part of the Inft. Mag. Cart. Cap, 17,

Adjust the contract of the con

CAP. LIV.

The Court of the Leet or view of Frankepledge.

Dis is a Court of Mecozo, and at the first derived and taken out of the See Mich. 7 E. f. Dis is a Court of Metozo, and at the fire vertier and tagen out to the Roc. 9. Northapes. Acurn, and is holden befoze the Steward, and he is Judge thereof. Df. Roc. 9. Northapes. the Antiquity and jurifoidion of this Court, you hall read in the Se- Abbat de Burg cond part of the Institutes, Magna Carta cap. 35. And what the ancient jurifois of the Inft Mag. ction of the Leet toas, pou fhall alfo read in the Second part of the Inftitutes, Mag- Care, cap. 35. na Carta cap. 17.

Leb, Leth, of Leet is a Saron 18020, and commeth of the Werb zelabian of Int. Leges Edw. gelebian (& being abuen Euphoniz gratia) i. convenire, to affemble together.

unde conventus.

If a common Bulance, oc. Done within the furificition of the Leet be not prefented in the Leet, the Sheriff in bis Lourn cannot enquire of it, foz that mbich is within the precind of the Leet is exempt from the Lourn, otherwise there might be a bouble charge; but in that cale a wait map be vireden to the Sheriff enquire thereof, oc. against the opinion of Fineux in 12 H. 7. if his opinion be not milrepozted. And by the book of 29 E. 3. This writ is not taken away by the 19 E.3.11. Wil-Statute of 28 E. 3. cap. 9. made the year befoge, which was then fresh in the by. 13 H.7. 18. Judges memozy.

See the Second part of the Institutes, in the Exposition upon the Statute of 3.1 El. cap. 7. concerning Cottages and Inmates, Special matter concerning the jurifoidion of the Leet. Dee for the jurifoidion of the Leet the flatute of 2 E. 6.

cap. 10. concerning making of Walt.

The Commons petitioned that ercellibe fines let on the Rings fubjects by luch Ra. Par. 17 E.3. as have Leets may be redreffes; whereunto the ming answeres, The King would nu.38.

Dee a notable concerning the furifoidion of the Leet and Court Baron, Mich. Mich. 18 E. z. in 18 E. r. in Banco Rot. 156. Norf. Er ibi tenetur quod Clericus ad Letam venire Banco Rot. 156. non habet necesse, nisi ejus præsentia ex certis causis & considerationibus sit ne. Nors.

This Court of the Leet may enquire of corrupt Michael as a common nutance, whereof some have boubted, both for that it is omitted in the Catute of the Leet, & Stat. de visu and of the weak authority of the book of 9 H. 6. where Martyn faith, That it is \$Franc. 18 E.3. b. and of the weak authority of the book of 9 H. 6. where Martyn saith, That it is 9 H.6. 53. b. ordained that none should sell corrupt Aigual. And Cottismore held opinion that it is Actio popularis, whereupon it is collected, that the conusance thereof 4 Vid. n E.4.6.b. belongs to the Leet. And Martyn and Neal 11 H. 4. agreeing with bim said per Neal & Brituily, sor by the b statute of 51 H. 3. Stat. Pillor' & Trumbrel' & Assic Panis & 7 H.4.14,15. C. rvis', and by the Matute made in the reign of E. z. intituled , Stat, de Piftoribus Brook cit.Leet 1. & Brafiaroribus & aliis Vitellariis, It is ogbained that none foall fell cogrupt Wie b Inthe flat, at quals. And by the Catute of 14 E. 3. it appeareth that this Act was equained in large p. 17. Mag. the time of his Granafather which was F. the time of his Branofather, which was E. 1.

Britton who wrote after the flatute of 51 H. 3. and following the same saith ext. 3 cap. 12. thus ; Puis foit inquife de ceux queux achatent per un manner, de meafure & d Britton f.77.a vendent per meinder meafure faux, & ceux font punies come vendors des vines, Macellaim, a & auxi ceux que ferront attaints de faux aunes, & faux poys, Et auxi les * Mace- Butcher er Vigrieves, & les gents que de usage vendent a trespassants mauvale vians corrum-Butcherer pus & wacrus, & autrement perillous à la faunty de home. Et les Porstallers, &c. Bt fo. 33. he doth conclude the like passage with these words. Baconter le forme

de nous statutes.

Flera lib 2. ca. 1. fea Efteriam. Eica .TT.fect. Irem fi dominus.

Eft etiam atrox injuria que perpetuam inducit infamiam cum poena Pillorali & Tambrelli, que quandoque fit per Pistores, Beassatores, & alios qui falsis ponderibus utuntur & mensuris, que etiam fit per cibaria corrupta, & semicocta vendentes, &c. But none of thefe flatutes gave the conulance to furbey and correct Miduallers foz cozrupt Midual to our Court ofthe Leet, therefoze further Authority therein is befired. Wherein we will produce that which is omni excep-Bp the fratite of 12 E.4. cap. 8. It is rehearleb, That Mayors, Bayliffs, and

12 E. 4.ca.8.

Nota.

mag a bett gald fint ad

.27.513

other like Governors of every City, Borough, and Town of Substance within this Realm of England for the most part have Courts of Leets and Views of frankpledge holden yearly within the same, and surveying of all Victuallers there, and correction and punishment of the offinders, and breakers of the Affile of the same, to be presented and amercied it default be found in the faid Courts, &c. And where divers perfons intending their fingular avail and profit, and to oppreffe the faid Victuallers, and to enter and break the liberty of divers places in this Realm having Franchises (that is, Leets aforementioned) and surveying of all Victuallers, and correction of the same, had purchased Letters Parents of King E. 4. to be surveyors and correctors of all such Victuallers within divers Cities, Boroughs, and other places, of Ale, Beer, Wine, and other Victuals, &c., in b wrongfull derogation of the Liber-ties and Franchifes of the faid Cities, Boroughs, and other places, &c. 44 by the faid Act is rehearfed. It is established and ordained, that all Letters Patents granted by that King, or after to be obtained of any office of fearching or surveying of Wine, Ale, Beer, or other Victual, shall be utterly void and of none effect. And that no person other then such Governors before rehearled, &c. (that is, in respect of their before rehearled Leets) shall use or exercise any such office, &c. And besides the declaration of the fame to be void and againit law, a penalty of 401, is infliced upon fuch as Saxon word. Spall exercise ang such office to abtained og after to be abtained. An excellent Ac Bier, and Beer is of Parliament both for the veclaration of the law in the case abovesate, as also within the word that the Bing by his Letters Patents connot make any new office for the Aurhepe ing, correction, ac. of any thing which belong to the Auxiloidion and Conulance of any former Court which by confequent bath a large extent, and therefore me have cited the fame the moze at large.

a Thele words follow after in the Act, and Nota by this it appeareth, that Beer is not of fuch late time as fome suppose. See alfo Ro. Par. Anno 4 H. 4. nu.53. Beer and Ale mentioned to be then in Catice. Beer is 2 cervifia in the anc ent ftatures: For it is but as the putting of a new buttonto an

old Coat, ziz Hops to Male and Water, to make it commue the longer. & Hereby it appeareth that those Letters. Patents were against law, and that this is a statute declaratory with addition of a penalty.

> Some do beld that it is within the Catute of 18 E. 2. fome fap as an incident to the Affile of Bread and Ale, and others hold that by that Ad nomer is given to the Lozo of the Leet to enquire of that Affile of Bzead and Ale, that is to fap, of the Statute intituled, The Affile of Bread and Ale, which is the fate Six of gr H. 3.in which Act letters of cogrupt Michaels are to be punifed. And herewith (Ap thep) agreeth the book in I R. 3. fo. I. that of cozrupt Wichual the Hert has further viction by the flatute, howfoever that is conceived, it is the Leet that bath conn. fance thereof.

Pafch. 18.E.3. Coram Rege. Rot. 76. Southt.

.c. 3. . . 2 a b V

och ser Lect. I.

-in& 23 to

30.30/

pald vily

1.7 R. 2.02P 4.

And albeit Male, Brafium, be no Michal ofiffelf, as it is abjudged in Anno 18.E.2. Quod venditio brain non eft venditio Victualium, nec deber puniri ficut vendicio Panis, Vini, & Cervifiz, & hajufmodi contra formam fratut'. Det becaule it is the principal ingredient of Beer, and ferbeth to Michael the Bings houspold, ac. (ag it is faid in the facute of 17 R. 2.) and tendeth, if it be corrupt and not whollame, to the great hinderance of beatth and increase of diseases, we will cramine bow the Law Canbeth therein at this dap.

Mealt

Mealt og Malt is a Daron Wood, in Latin the call it Brafium berited of braffo. ebullio, ferveo. In the ancient Catutes Brafiator is tak en for a Bretver. In Fleta, ubi fupra, Brafiatrix : in Britton, ubi fupra, Bracereffes, for Meemers, an Latin me ufe the wood Pandoxator of Potifex : and Brafiator at this day is ufed for a Paltmaber or Balffer.

Palt is made of Marley, and cannot be well and perfectly made, unleffe it bath the time of 12 dayes in the making thereof, and both in the making thereof in the Fat, floz, theping, and fufficient daying of the faid Palt 3 webs at the leaft, a E, 6, cap. to. ercept it be in the moneths of June, July, and August, and in those moneths by

the foace of 17 dapes at the leaft.

The Waltmaker ought not flackly and beceitfully day the Walt to the intent to have an inoghinate increase thereof by twelling of the lame, inhieb being not fufficiently brieb, within a thost time will be multe and full of tolivels.

120 person ought to put to sale any Spatt which shall not be well and fufficiently troden, rubbed, and well fanned, whereby there may be combeniently fan-

ned out of one Quarter thereof balf a pech of bull, oz moze.

C Do perfon thall mingle any Pale not being well and fufficiently made. or 2 E. 6. cap. 10. being made of moto burnt og fpired Barley, with other good Palt, and after put the fame to fale. All thefe be mala in fe, and punifhable by the Common law.

And this flatute of z E. 6. bath added a penalty, if the fuit be brought upon this facute. And if the Beewer put to fale any beet, which be bath bremed with unlawfull (as all is unlawfull that have not the qualities fozefath) and untobolecom spale, be may be prefented for the fame in the Let, oc. as felling of corrupt and unbobolefome biqual. And by this flatute power is giben that the 34- 2 E. 6, capito. flices of beace in every of their Deflions, and alfo the Dteward in every Liet thall bear and determine, as well by prefentment of 12 men, as by acculation at information of two banes witnelles, of, for, and upon all and every the offences and forfeitures in that ad, ec. Do as the Juftices of peace of Dremards in Lets. map eleber proceed at the Common lato or upon this farute. It is further probided by this Act, that the Bailiffs and Confiables of every Bozough, and Par-het town of other Loton where Palt half be made of put to fell, chall from time to time fearth and furbey the fame; and if the fame be found to be ebil made of mingled with evil Mair, they by the addice of one Juffice of peace thail cause the came to be fold at such reasonable price, and under the common price in the marhet, as to bis diferetion hall fem erpedient. This Ad ertends not to the making of any Palt for a mans own providen for his own boute or family. And the offences againft this ad are to be prefented within a year.

This Ad of 2 E. 6. cap. 10. is continued, and pet flandeth in fozce. 27 Eliz.

cap. 4. 1 Jac. cap. 25, &c. 4 Car. cap. 4.

That which bath ben fait (de malis in fe) of Bait, may alto be appliped to Bops another ingredient into Ber, and punishable by the Common late. But against dibers and many fallehoos practice in packing offerein Bops , for that the fubjean of the Realm have been by reason thereof of late years abuted and deceibed unto the balue of 20 thouland pounds yearly at the least (for that in lack a of fazein Pops there is not found one third part to be good and clean Pops, the reft being beeffe and foil,) Agod fam is made Anno i Jac. and ebery perfon i Jac cap. 18. offending therein fall fogleit the fame Bops la brought into the Mestim. And it is further enacted by the fame Act, that if any betwer of Ber of Ale fall imploy and fpend any Bops unclean, cogrupt, og mirt with any powder, duft, dyoffe, fand, og any other foll whatfoeber, be half fogfeit the balue of those Pops to imployed. to be recobered, ec. in any of the Bings Courts of Recozd.

The realon wherefore thete Courts of the Lourn and Leet are Courts of Mecord, and not the Courts of the County, of the Dundged, and of the Court Baron F.N.B. 82. (Whereof the that nert in other treat)is, for that the Lourn and the Let are indieured for the Common-weat, as for conferbation of the Kings peace, and punishment of common nulances, oc. Anotog conferbation of the peace, the Dberiff in the Louen, and the Sreward in the Let may take Recognizances for

" Gurguliones "

17 R. 2. cap: 4

1 R.3 cap. 11.

I 2F. 1.cap. a.the ftatute appoin-

reth who fhall

garble them.

heping of the peace. But the fair inferiour Courts of the County Bundzen, and the Court Baron babe jurisdiction of private cautes under the balife of 40 %. between party and party.

- Fuit hac fapientia quondam

Publica privatis secernere, facra profanis.

And fozalmuch as unclean, corrupted, and mingled Spices and Dzuck be fo un wholfome and burtfull, as they tend to the feopardy of mans book, we will bereunto abbe the erpolition of the flatute of 1 Jac. cap. 19 the penalty of Spices not garbled.

Whereas heretofore great deceits and abuses have been committed in uttering, felling, and putting to fale, fundry forts of unclean, corrupt and mingled Spices, &c. garbleable : to the jeopardy of his Majesties

person, &c.

Carbleable.] To garble, fignifieth in our legal underftanding, to feber and dibide the good and fufficient from the bad and infufficient; and ertenbeth not only to Spices and Djugs mentioned in our Catute, but to other wares and merdandizes. As foz example. By the ftatute of 1 R. 3, it is probided that no Bowlades hall be fold ungarbled, ac. that is, untill the good and sufficient he febered and dibided from the bad and infufficient : and this garbling of Bobs bath reference to the flatute of 12 E. 4. cap. 2, where garbling of Bows is well erpounded, that is, that the Bowlabes be fearthed and furbeped, gc. and that fuch as be not goo and fufficient be marked, oc. Some think that it is beris bed from the French Merb , Garber, to make fine, neat, clean, gc. Dthers fett it from Cribler and that of Cribrare, to fift og feber the good from the bad. unde Cribrum, fic dictum, quia crebris pertufum elt foraminibus ad res purgandas à pulvere & immundis (unde Cribrarius, the Barbler) which well agreet with our Ad.

A Dibe and to fift, do come from the Darons, viz. rip, ript. This Ad conafteth of a Preamble and a Body. In the Preamble it is rebearfed. That unclean, corrupt, and mingled Spices, Drugs, Wares, and Merchandises garbleable do tend to the jeopardy of his Majesties person, and of his subjects using the same

in their meats, drinks, and other needfull occasions &c.

The felling of furb unclean, corrupt, and mingled Spices and Drugs ufed in meats, and deinbs, is malum in fe, and (as bat been faid) in dibers like cafes punishable by the Common lato. But this Ad tendeth to the prebention of fuch deceipts and abules, by garbling and purifying of the fame before they be fold. and by punishment if they be fold befoze they be garbled and purified.

All that is garbleable must be garbled and cleanfed and lealed by the Barbler befoze fale, upon pain of fogfeiture of the fame og balue thereof, fog which an Anti-

on popular is given.

There be 32 kindes of Special name mentio. ned in this Ad, viz.

I Bepper, 2 Cloves, 3 Mace, 4 Dutmegs, 5 Cin. namen, 6 Binger, 7 Long.pepper, 8 Magm feeds, 9 Comin-lads, 10 Ang-lads, 11 Coliander-lads, 12 Bynny pepper, 13 Almonds, 14 Dares, 15 Galls, Spices and Dzugs by 16 Spikenard , 17 Galingall , 18 Lurmeriche , 19 Detwell, 20 Callia fillula, 21 Ginny-pepper, 22 Seme, 23 Barberies, 24 Kice, 25 Grins, 29 Stabetacre, 27 Calamus, 28 Fennyrick, 29 Calfia, 30 Lignum, 31 Grains, 32 Carawap-liebs.

And in general words, I. Gums of all forts and kinds garbleable. 2. All other Spices, Dzuge, Marchandiges garbleable.

Be it furthermore enacted, that if any of the faid Spices, Drugs, Wars, of other Merchandizes be mixed with * garbles, matter or thing whatsoever after the same be garbled, c. That then the said Spices, Drugs, &c. or the value thereof shall be wholly forfeited.

" Nota, Garbles fign fie the dust or foil or uncleanneffe that is fevered.



It shall and may be lawfull for the Garbler of Spices, &c. within the City of London and the Liberties of the same, &c.

There bath been of ancient time an Afficer in London and the Liberties of the fame, called the Barbler of Spices, ot. who map make his Depuries. And this Ad giveth bim authozity at all and every time and times * in the day time . This had been to enter into any Shops, Warehouleg, og feller, to biem and fearch fuch Dzugs, implied if it had beings, ac. and to famile and make clean the lame.

There is a Proviso, that if any Merchant or other person (other fed. then Merchants alien, or made or to be made Denizen) shall bring any Spice, Drugs, or other Merchandizes garbleable into this Realm, and fhall not offer the same to sale or sell the same within this Realm, &c. and shall transport the same bone fide within eight moneths (accounting 28 dayes to the moneth) after his first landing, &c. shall not incurre any of the penalties of this Act.

And this Provide was added in refpect of a general law made in 16 R. 2. 16 R.s. cap. 1. that no manner of Spirery, after that it be brought into the Healm, fall be carried out of the fame by Alien o: Denilen, upon pain of forfeiture of the fame. And this Provide extendeth only to the natural born Subjects, and not to Per-

chants alien, or made ut to be made Penilens.

And by the Art of 16 R. 2. cap. 1. it is enacted, that Aliens Gall fell Mines by whole beliefs, and fpicety by whole beliefs and balls, and in no other manner.

The Court of the Liet may inquire of thele offences, tollowing by surbozity of Warliament.

De vifa franc. Articles of the Liet, to which we will abbe Concerning tracing and killing of Baces. ter site nature afets uddet to the Dr Botters mabing Dogfebzeab undet the allige. 1000 1941 am aus auf Steren

Dr Artfliery, Buts, and Bolis. a niaradi modin min ispone. 6 Concerning froting in Croffebows and Bandguns.
Concerning Algualists, Acrificers, Mozhinen, and Labourers,

Against great prices and ercelle of Mines.

For aintendment of Digh ways. 2 & 3 Phil. & Mar. cap. 3. 5 Eliz. 13. Conterning Gutters 7 1913 mogizel vie nocht grund vieled 3ch ge 18 Eliz. 9.

Concerning Pilters. For the preferbation of the spation and key of Fish. Against raking of Phetance and Pareriges. Against the creation of Cottages and Annates. Percol se before in this

By there and olders other Ads of Paeliament the jurisdiction of this Court of the Liet barb teir much increased, to the end that the Subject might babe remedy and justice at his own dozes : and therefore it is requisite that the Dreward of this Court be learned in the law, for Ignorantia Judicis est calamitas innocentis. De Rot. Parl. 51 E. 3. nu. 49. concerning Labetners.

The tiple of this Court of the Let is, Curia vifus franc, pleg, tent, apad B.co-

ram A. B. Seneschallo, &c.

Francus plegius Saxonice ppebopogh Freboroe, Anglice, Freenledge.

The Conflables og petty Conflables are choten by the Common Lato at the 3 H 4.9.10 E.4. Let of Logn; and are by the Common late conferbategs of the peace, and may 17. 44 E.s. bar. take furety of the peace by Dbligation, and are as ancient as Lozus of Levis ve, 259. 46 E.3.ib. and began not about the beginning of E. 3. as some babe supposed: Vide the 259. 46 E.3.ib. and began not about the beginning of E. 3. as some babe supposed: Vide the 259. 46 E.3.ib. and began not about the beginning of E. 3. as some babe supposed: Vide the 259. 46 E.3.ib. and began not about the beginning of H. 3. as tome pase implaced to vide the Chapter of the Pundzed Court for the Chief Constable, & 9 E. 4. 36. 5 H.7.6. Parl.6 B.3. p. But to the once log all: Meyetition without addition is but lette of time, and of Peace 172.

.52 .3 .73 Wh

18 E.z. De vilu 14 H. 8.cap. 11. 33 H.S. cap.14. 31 H.8. cap. 13. 33 H.8. ca. 8. 9.

33 H 8.cap.6. 2 E.6. cap. 15. 7 E.7. cap. 5.

4 & 3 Ph. & Ma. c. 3. I Bl.17.1 Jac. 25 23 Eliz. ap. 10. 31 E.12. cap.7.

nu.6. Fire Juft. CAP. 12 H. 7. 18. 84-

Libera-bard cela of ancient the tame, called the Carlie LV. State Depute Line this An grues bid wifterity of all and over our and rives * in the popular

for he thail and may be lawfull for the Carbler of Solvess, &c.

the City of Loudon and the Engines on the

The Course Stable Let

The Court of the County.

See the fecond part of the Inft. Mag. Cart. c.3 4.

the state of Land Cities

De Style of this Court is : Buck, Cura primis Comitatus E. C. M licis vicecomitis Com, pradict tent apud B. &c. And the nert Court Curia feconda E. C. vicecom. Com prizelich. &c. Ant to forth. offo don figet

Lib, 6. fol. 12. cap. 3.44E 3.10.

Se the Caure of W.2, cap. 36. against procurement of Suice in this Coure. Etis Coure is no Coure of Becozo, and the fuitors are the Judges theteof. But Jentlemans cafe. in a Rediffe. fon the Sheriff is Judge by the flatute af Merton, cap. 3. and a William of erroz leeth of bis judgement.

Of the antiquity and jurisoidion of this Court, pou Gall reed in the Ratute fit. Mag. Ca.t. of Magna Carta, cap. 35. At bolecth no ples of any bebt of bamages to the balue of 40 s. og abobe, nog of any ttefpaffe bone vi & armis, becaule a fine is but there-F.N.B. 119g.h. by to the Bing. But of oebt, detinue, trefpaffe, and other actions perlomal abobe

1b. 85. g. &c. 405. the Sheriff may hold plea by tozce of a warfit of Junior and not reroznable. And he may before any County Court award a Summiners to his Maille tendent by his gods, ec. to anfwer ; and if the Bailie retorn Nibil, and the plaintiff remobeth the fame by a Pone into the Common pleas, that Court Ball not grant a Capias, for the nature of the Warit both not warrant a Capias, and the Sherid could not grant the fame, neither both the Wigit of Jufficies alter the nature of the Court of the County, for therein the Sheriff is not Judge, but the Suitors; and upon a Judgement given therein a warit of falle judgement both lye, and not a warit of erroz. And in divers Meal actions a wazit of Julicies both lye as it appeareth in our books, as in Breve D'admesurement of dower or pailure, in Cuitoms & Services, Meine, Quod permittar, Rationabilibus divisis, Sed. ad molend. De

6. 80. 11.12 SERE SERE

> nuifans, de Curia claudenda, Annuity, &c. In the County Court upon the Exigent after 5 exact, the Cozoners gibe judgement, Ideo urlagetur per judicium Coronatorum. But by this Judgement no gods are fogfeited befoge the Dutlatory appear of Metogo: and that is the reafon, that no man can claim the grobs of Dutlatos by prefeription. Reither fall fuch an Dutlatory bitable the party : but if upon a Cerciorari to the Coroners they certifie the Duclaway, this thall ferbe the Ring for the forfeitute of his goods, but thall not disable the party till the Exigent be retogned.

solr field groups are room and soll at Considering and throughly the Admira and

The field of this Court of the San in Curis whis Land for the Apad San

Francis ple flos Saxonico pritopoga Lubono, Angles. Ares sirbas. Albe Confabiles of perty Conflation are exelerate the Configural data ar ibe

Sections of this Court be margine in the late, the lignorance of Socemis, De Kor, Parl ga fr. v. ou. 49. coni viere Labeltorie.

4Eliz.Dier 222 15 Eliz, 317 2.

in Halokall ;

17.44 E.E. bert

:04.33 E. . ib. 214. Vale Lige.

Paris H. a. poffe

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Level I 21217 22. 1 3184

> Eart of Konis, and are by the Common lets confectacies of the peace, and may Refige perce de Deligation, and ere as antient as elegens of Ree's de, Res Constant & Constant Constan Ebapter olithe Bundged Court let ihr Chtel Contable, & oli.4. 36. 5 H 7.6.

11 Hop. 12, 38.H. 3. 3

ะที่สอที่เอาสุดม **รอด**์เอกูด โร

ram A. B. Seneddallo, Seed,

Buttakp oner far dil: Megaricken Beident nobitien is but laffe of time, and of Percence.

CAP. CLKI.

The Court of the Hundred.

Die is no Court of Record, and the Suitors be thercof Judges. Df the a part of the Inanticoby and Jurisbiction bereptende Magna Carrupubl fup. And to the flic.Mag. Carr. been band it befout of the Acuer for the eafe of the people, fo this Court (2.35. 1. H. 7of the Bunoted for the fame coule was beribed out of the Court of the Court, E heire is alle a Cullanies

and is a Court Baron in bis nature add' . some

By the flature of 1, E 3. Bundgeon (except fuch an then were of efface in fit) 14 E.3. cap.9. are rejoyped (nato the Bailywich of the lange) to the Counties, and all grants 4 E.3. cap. 15. made of the Entlywick of Bundeeds Ance that that we were bein, and the making of the Balliffe thereof thatong to the Aberiff, to: the better execution of Julice and of his Office. And loit was refolbed by the Lozd Eccafurer Lea and all the Barons ofithe Erchequer, and to Decret in the Crebequer Chamber, bertien Forceicutent Buckinghamfhire plaintiff, and the Sheriff of the fame betenbout. Term. 2 Caroli Regis, the plaintiff babing of late dibera Wundgebe grantes to bim for life in the Courte pat Buck, telerbing a rent, tobich the Sheriff oilalloweb, and put in Bailiffs of bis amn. Anda commandement was giben by the Court to the Artorny General somboid the libe imorbet Counties , for that they were against tale, and belonged to the office of the Oberist, and were occasions of delayes and binderances of Jufice. See the flatute of W. 2. cap. 16. aguing procurement of fairs in this Court.

The figle of this Court is, Curia E. C. militis hundredi fui de B. in Com. Buck

tent. &c. coram A. B. Seneschallo ibidem.

If there be a Bailiff of a Liberty appointed by the Logd of the Liberty, or g.E. a. Linc. Rais. the Sheriffs Bailiff of any Bundzed, Mapentake, og Tything, which have not Unicum. Lands og Tenements lufficient in that County, there leth a Balivo 4 E. 3. cap. 9. Lands of Aenements lufficient in that County, ibere lyeth a East De Ballvo E. 3. cap. 4. amovendo, grounded upon the Catute of 4 E. 3. cap. 9. There are Confables Register 178. of the Bundzed commonly called, dief Contables, fo named, Decaute Confis. F.N.B. 164 b. bles of Lowns are called perit Constables. There Constables of Bundzeds were created by the flatute of 13 E. 1. and their authority limited to Fibe things. Seat. de 13 E. 1. I. To make the biem of armour. 2. To prefent before Aufticen affigned fuch De Winch, ca.s. befaults as they do lie in the Country about armour. 3. To ozelent befaults of fuits of Lourns. 4 Df High wayes. 5 To prefent all such as longe trangers in uplandish towns, for whom they will not answer. Divers and many Airs of Parliament habe given the chief Consable and pery Consable more authority and power then oziginally they had, which bath been well collected by others. Lambard, &c., Foz no Officer that is condituted by Act of Parliament bath more authority See cap. Leerfer then the Act that creates him, or fome sublequent Act of Parliament doth gibe the per Con-bim, for he cannot prescribe as the Officer by the Common law may. Nota fable. 10 B. 4. fo. 17. the petit Conflable was an Officer by the Common law per Curiam, Vid. 4 E.3, cap. 3. 25 E.3. ca.2. De in the Chapter of Due and Cro in the Third parcof the Inflitutes, Due and Cry alwayes by the Common law made by the Constables of Lowis, ec.

Fleta lib, 1. cap, 2. S. De Vic, & Constabulariis, &c.

CAP. LVII.

The Court Baron.

See the feeding part of the Inft. Mag. Cart.ca. 25.

fit. Scat. 73.

m monti

10. 10 C 10 6

Regulter 17

Stat. de 1 : 2. f.

J. cap. Legilor

be the few orders of the copy, and the few has be there at Dis is a Court incident to every Pannoz, and is not of Kecuzo, and we Suites be thereof Audgen, although the liblen be bolden by force of a torit ofright.

There is alfo a Cuflomary Pannoz, Whereof you map read in the Fieft part of And this was fiell instituted for the ease of the Lenants, and tor the enting

of bebts and damagen under 40 s. at bome, as it wert at their own boogs.

s part of the In-Dat there for the antiquity and inditution of this Court, and the Articles in quirable therein are utual and well known.

The Wile of the Court is, Curia Baronis E.C. Militis manerii fui prædicti (babing the Pannegs name mgitten in the Pargent) cent, talidie, &cc. coram A. B. Senefchallo ibidem

In the reign of E. r. toe babe tien Court Holls habing the Mannos name for the margent. Aulaibidem ten. tali die, &c. the Court of the Mannor being fa called , because it was bolben inithe Pall of the Mannog : an the Court of the lies is called Caria Anla Hofpitii Domini Regis, becaute of ancient time it mas beiden in the Bings Ball. proceedings of firms for this Course.

El's tole of thise of ager is, Cur a b. Commendanted inides, in Com Buch

2. - Salah dan

reger der a Baniell of a dienie population bet angert freier et . i. t. ne Bac. the Bollet Boilet eine Bunge o Chalagiabe, ba Arthing, fenicht havener Lands of Aentenemia i Micient until a Control protestente a Confe De Baline actocardo, gregatora upen the Careix of other a cap. 9. Abere are Cantiches of the Peace of country of the Controller, ties al Comis are called petis Confieller. Abile Confiebles et Buneren have receed by the fictuits of 13 b. r. e. of his battley rimited to Pive Ginga. 1. Lo make the bury of commons. 2 To parket wings Inthices affigured that windows E. v oreign botaging u.f. i die of Course, a 201 Digbineres, y Mo profin all findes & bgo deangers in oglandich telung, bez inhein they bell not enttere. Dibere and mar 2 Arte it parinent babe groen the thief Conflitte and pery Conflitte inge anthonic and adder their colginally they but, which both both tollers up being in The soldier river is confinered by Ar of particular bert resident then de Erithat creates bem, or fame fubliquent Die er Parliement both pith in very Cenblen, legte comes malecthe as the Others to the Common foremen. It is good

g, io. 19. the vetil Confled a for an Of the cy the Comman law per Cu.

Jan Vid. 4 il. 1. En f. 25 le 3 ca 21 Sic in the Chapter of Bucend Cop in the Confintite of M. do done, ge. Bernh. 1. cap a. S. D. V. c. & Confiabalante, 2c.

do corun A. E. Senerchallo E

The Court of ancient Demesne.

1 1 ile Panozs are called the ancient Demeines of the Crown which See the fecond mere in the bands of St. Edward the Confesior of William the Conque- part of the Inft. rour, and to expressed in the Bak of Domes day made or begun in the 14 year of William the Conquerous; for to be find it in Libro Rubro Scaccarii in Custodia Remem. Regis, fo. 47. quod liber vocatus Domesday compositus See ar E.3. 32. fut Anno 14 Willielmi Regis Conqueltoris. And Radulphus Niger Work of Cogishall in Effex in vita Willielmi Conquestoris bath thele words , Annis Herein Fitz. in 1081, 1082, 1083, 1084, 1085, 1086, Rex Willielmus deferibi fecit omnes Ba- his N.B. fo. 16. rones & teudatos Milites, & quot carucatas terræ quisque habebat & redditus pos- ascribing it to selfionum. And Anno Domini 1081, was the 14 year of William the Conque- fessor, was derour; and this great and ercellent survey lasted 6 years. And in Lucubrat. Ok- ceived Vid. the ham, it is mosthily called Liber Judicatorius, because it is the only trial of an. Preface to the cient Demeine; againft which, for the uncontrollable truth and berity thereof, third Book of there can be taken no aberment. And therefore in that refpea libe the som and my Reports. judgement at Domeldap.

In Chent, Archie, Cant, Sandwice in anno quo facta est hæc descriptio. 318 Domef-dap it felf lege librum, foz bereby it appeareth that it was made in the

All those that hold of these Panoes in Socage are tenants in ancient De. See the second meine: and they plowed the Rings Demeines of his Panozs, whoed and har Art. sup. Cart. rowed the same, mowed and made his Pedows, and other such Artices of his cap. 2. bandep for the full enance of the Ming and his benourable bouthold, maintenance of his Cable, and other like necessaries pertaining to the Bings busbandy. And to the end thefe tenants might the better apply themselves to their labours for the profit of the Bing, they had Dir priviledges. Firth, that they thould not be impleas The priviledge ded for any their lands, ac. out of the fato Panoz, but babe futice administred of tenants in ane to them at their own bog by the little wait of Kight Clole directed to the Bailiffs cient demeline. of the Bings Paners, or to the Lord of the Paner, if it be in the bands of a firbjed; and if they were impleaded out of the Panoz, they may abate the witt. 2. They cannot be impannetled to appear at Weltm. og ellewbere in any other Court upon any inquelt of trial of any caule. 3. They are free and quiet from all manner of Colls in Fairs and Parkets for all things concerning husbandry and fullenance. 4 And of Lares and Callages by Parliaments, unless they be specially named. 5 And of contribution to the expences of the Enights of the Parliament, oc. 6 If they be feberally bilirepned for other ferbices; they all fer fabing of charges may forn in a Wigit of Montraverunt , albeit they be feberal

Thefe priviledges remain fill, although the Paner be come to the bands of Subjects, and alebaugh their ferbice of the plough is for the most part altered and turned into money: Avera in Domelday Grentbrigh Rex fordham, fed tamen semper inveniar averam vel 8 d. in servicio Regis, that is, a dapes booth of a Ploughman, oz 8 d.

This Court is in nature of a Court Baron, toberein the fuiters are Judges,

and is no Court of Record, for Brevia Claufa Recordum non habent.

Nota, the Demandant in a writ of Right Clofe cannot remobe the plea out of the Court of the Lozd for any caufe, the Lenant may remobe the fame for 7 caufes, viz. 1. Hog that be bolbeth it ad Communem legem. As if a fine and recobery be levied or luffered thereof in the Court of Common pleas, this maketh

* Regist. fo. 17 E. 3. 44. F.N.B. 14. C. 41 E.3.32. 49 E. 3. 7. 50 E.3.14. +Domefday fape berciare or herfeareof the French word [herfe] Allens cafe. 44 E.4.38.

46 E.3.1. 49 E 3.7.44E.3 32. 21 E. 3. 10. 32. 40 E. 3. 4. 28 B 3. 95. 34E. 1. Anc. dem fp: 98.21E.4 Anc, demefne 6. 22 Aff. 45. F.N.B. 136.k. 30 B.3.12. 118. 15 E. 3. jb.62. 8 E.3. ib. 136.7 H.4.19.

Lib. s.fe. 105. 19 H 6. 64.

c 4E 2. Rediffei-Lib. 5. fo. 105. Allens cale. 2 2 El. Dier. 373 7 H.7.11. e 2 E.4 26.8E.4 6. 7 H. 4 44. 8 H.4.24.17E 3. 31. Trin. 16 E.3 err. Rege Rot. 132. Eberum. Tr. 13 E. 3. cora Rege Rot 108. Glove. (finis) Tr.3 H. s.coram RegeRot. 9. Eff. (finis)21E.3.20 56. 21 Aff. 4. 26 E.3. 63. f Vid. Dier. 22

19 d. bDier 22El.373. 38. i 21 E. 3. 32.

\$ 3E.3.9.F.N.B.

El. 373.

the land frank fet to long as they fland in force. 2. If the land be not bolden of the Panoz being ancient Demetne. 3. If the land be bolden by Anfahts fervice : foz, as bath ben faid, the fervice of the Plow and Pusbandzy is the cause of the priviledge. 4. " If there be no luitors, or but one luitor, for that the fuitogs are Judges, and therefoge the Demandant muft fue at the Common lato, for that there is a failer of Auftice within the Panoz. 5. If the Tenant accept a release of his Lozd of his feigniozy, oz the feigniozy be otherwise ertinguished by reason of the feiten of the ming oz otherwise. 6. Dz if the Lozd av dli. 5 fo.105 biffeile bis Lenant and make a feoffment in fe. 7. If the Logd grant the ferbi. cenof bie Tenant, and the Tenant attorn.

Arabant & herciebant ad curiam domini, i, they did plough, and harron at

the Manoz of the Lozd.

And this pribiledge doth not extend to mer perfonal actions, as debt upon a Leafe, Trespaffe, Quare clausum fregit, and the like, in which by common intenament the title of the freehold fall not come in debate. But otherwife it is of all real actions, and allo in actions of Account, Replebin, Ejectione firmz, writ of Meine and the like, where by common intendment the realty fall come in quellion.

Lands in ancient demelne are ertendable upon a flatute Permant , Staple,

Elegit, and regularly all general flatutes extend to ancient bemefne.

"But a Medifician, although they concern the realty, both not lie in ancient demelne, because the proceding in a Mediffeifin is appointed by the Ratutes to be made by the Sheriff, affumptis focum Coronatoribus Comicatus, &c. and in ancient demelne there are no Cozoners; but otherwise it is in an action of

d7H.6.35.8H.6 ledges, to the Lozd is as carefull to prefer be his leignisty, and the tenure of this 34.32H.6.35. tenancy in ancient demelne, And therefore if the Tenant ledges fine, 03 fuffer a F.N.B. 189-8. recovery in the Court of Common place. become frankfre, the Lozd by a wit of Difceit may not only restore bimfelf to bis toue leigniory, but utterly aboto the fine, and reftoze bis Tenant againg the recovery and his own fine to the land again in his former effate: and the reafon thereof is, for that the recobery of fine was not fuffered of lebied before a comperent Judge in the right Court, which ought to habe been in the Court of ancient Demeine, and therefoze after the reberfat in the mate of Wifcett, it is now tanquam coram non Judice, anothe parties to the fine of recovery fall be fined and imprisoned pro deceptione Curia.

But if in a watt of Kight clote in ancient Dentefne, the Demandant maketh bis protellation to fue in the nature of Affile of Porb. the Lenant plead in abatement of the wait, and the wait by judgement is abated, the Demandant brings a wait of falle judgement, wherein the wait is affirmed to be good, the Court of Common pleas thall proced as the inferiog Court fould habe done, and although that judgement be giben to recober the land in the Common pleas, get the land is not frankfre, but remains ancient Demetne, because the beginning and founda-

tion thereof was in ancient Demeine.

h They may leby a fine in ancient Demelne which by the Cultom it is faib to

be a bar of the estate tail : but certainly that will not bold.

the property of the first of the street of the street

"Af the tenant remobe the plea for the cause mentioned in the Recordare , he 27 AC 5.44 E.3 map come into the Bings Court, and affign other caufe, and twenty, if be bath, to maintain the jurifoidion of the Bings Court,

> establica de come de la meneral de la compación de and the factor of the first of

and the contract of the thirty of the contract of the contract of end send harosefron e de furma d'ace police des tol condittà de l'origina des tol condittà de l'origina de la condittà de l'origina de la condittà della condittà della condittà della condittà de la condittà della conditta della condittà della condittà della conditta della con

CAP. LIX.

The Court of the Coroner, O

Dis Cozoner Coronator is lo called, becaute be veals principally with Regift. 174. Pleas of the Crown of matters concerning the Crown : De is eligible F.N.B. 164. by the Freeholders of the County, and to continues to this day, as of ancient time the "Sheriff and "Confernators of the peace were, because the peas "Artic sup. Carriple had a great interest and safety in the one execution of their offices, and so long cap. 8. 8: 13. as they were eligible, they continued, notwithstanding the demise of the king, as 12 R.2. cap. 2. the Cozoner both to this day. And of ancient time this office was of great estima a Roparty E.1. tion, for none could have it under the begree of a linight. b And it apcarett by Lambard Juftio the wait De Coronatore eligendo, that he must have two properties, viz. fuffi- of Peace. 16.b. cient knowledge, ability and piligence in execution of his office, implied in thefe Regist. 127. words, Et talem eligi facias, qui melius sciat, & possit officio illo intendere. Staaf. 48.c. .. And the Sheriff after he be elected, thall give unto bim his oath only to execute W. I. cap. 10. his office: And the Court which he holveth is a Court of Record. And commonly case, s. H. there are Four in every County of England; but in the thelbe wheres in Wales, must have luftand in Cheffire there are but two.

Dow concerning his jurisviction, what it was befoge the beatnte of Magna be may answer Carra, and what he bath at this day, and of his Antiquity, post may read in the all people. Second part of the Inflictutes, Mag. Carr. cap. 17. and the Espatition upon the F.N.B.164. fame. Merton cap. 3. Redifferin, and W. 1. cap. 10. & 26. & Artic. super Cart. 34 H.S.35 H.S.

cap. 3. and the Exposition of the same.

We is to take nothing for boing his office upon grievous forfeiture, but by 3 H. 7. be is to bave upon an indiament found of murber 13 s. 4 d. of the goods of 3 H.7.eap. r. the murtherer, and if be hath nothing, of the amerciament of the Lownthip to the escape, ec. Dx allo the ancient Authors, Mirror des Justices, Cap. 1. fed. del office del Coroner. Bracton Lib. 3. fo. 121, 122, 123. Britton Cap. 1. Fleta lib. 1. Vet. Mag. Cart. fice del Coroner. Bracton Lib. 3. to. 121, 122, 123. Britton Cap. 1, Fietano. 1. 4 E. I. part. I. 19. ca. 18. Statutum de anno 4 E. I. de officio Coronatoris, and Stanf. Pl. Coronæ Stanf. 49 c.f. fol. 48, 49, 50

And as the Sheriff in his Courn may enquire of all felonies by the Common 35 H.6.23. law, laving of death of man, to the Cozoner can enquire of no feloup but of the beath of man, and that fuper visum corporis: De hall allo enquire of the *efcape * 3 H.7.ca.t. of the mutderer, of Areafure Arove, Dechands, and the Wirechs of the Dea. But 4E. I. ubi fup. hereof you thall read moze in the Authorities before cited, and in the Third pare

of the Institutes, in the title of Appeals.

He ought to veliver the Inquifition of beath taken by bim at the next Gael. 3 H.7.ca.r. veliverp, og certifie the fame into the Bings Beneb. * Chon an Inquificion found * 1 & 2 Pt befoge him of murver og man-flaughter he ought to put in writing the effect of the M. cap. 13. enforme given to the Aury befoze him being material, and bath power to binde over witnestes to the next Gaol-delivery in that County. See befoze in the Chapter of the Courts in London.

To conclude, beffees his judicial place, be bath alto authority miniferial as a Steriff, gr. viz. when there is jufferception taken to the Meriff, jubicial proceffe thall be awarded to the Cozoners for the execution of the Kings writs, in which cafes he is locum tenens Vicecomitis, and in fome special cafe the mings Pl.Comi

oziginal wzit thall be immediately directed unto bim.

In defectu Vic. pro brevibus regis exequendis, videtur curiæ hic quod aliis Paleh. E.3.coquam Coronatoribus non est demandand. Vide Vet. Mag. Cart. parte 2. fo. 19, ram Rege Roc. 21, 21. Stat. Exoniz. Fleta Lib. 1. Cap. 18.

cient land in the County whereat

EAP. LX.

The Court of Pepoudres, vulgarly Pipowders, Brack.l. 5.f. 334.4 Curia Pedis pulverifati.

Dis Court is incident to every Fair and Parket, as a Court Baron to a Panos, and is derived of two Latine words, as is apparent, and to called, because that for contrads and injuries bone concerning the fair or Parket, there thall be as speedy justice done for advancement of Trade, and Ereffich, as the bull can fall from the foot, the proceeding there being de hora in Brachl. , f.334.a horam. And therefoge Bracton faith, Item propterea qui celerem debent habere inftitiam, ficut funt mercatores quibus exhibetur Juftitis Pepondrom, &c.

6 H.4. 7. 6 E.4. 3 b. 7 E.4.23. Lib. 6, fo. 13, 2. & 10. See before

Cap. Justices in Eire, fimile pag.185. aMic.42843Bl. Coram Rege. Lib. 10.f.61. En le cafe del Marshalley Jones cafe

19b. 12 H.7.

16,17. 8 H.7.4,5.

dents 34. 12 H.6.3.b.

d 17 E.4.C.3.

1 R.3. cap.6.

This is a Court of Resord to be holden before the Steward of the Court, and the jurisdiction thereof confideth in Four conclusions. 1. The contract of cause of action must be in the same time of the same Fair og Warket, * and not befoze of in a former. 2. It must be for some matter concerning the same fair or Partet, bone, complained on, beard and befermined. 3. It must be within the precing of that Fair or Parket. 4. The Plaintiff must take an oath according to the Natute of 17 E. 4. cap. 2. but that conclude th not the Defendant. And all this was refolded, and adjudged in a writ of Erroz brought by Hall against Jones, and the rate was this: Jones being Register of the Bishop of Glouc brought an Sicion upon the cafe in a Court of Pipowders belonging to the Parket in Gloucefter againft Hall for thele words; Pafter Jones and his Clerks have by colour of his office extogred and gotten 300 l. per annum, by unlawfull means for many pears together above their sydinary fees, for proving of Tellaments and granting Administrations. And not guilty being pleaded, sc. it was tried and adfuncted for the Wlaintiff; and divers errors were alligned, but the subgement was reverled for thefe errors following. I. That this Court of Bipowders, being incident to the Parket bath no jurifolation but of fuch things as concern the Market; and these flanderous words did in no logt concern the Parket: but if one flander the wares of any in the Warket, whereby he cannot make fale of them, an action both lye in that Court. 2. It appeared in the Recogn that the words were fromen the day before the Parket; and no action leeth in that Court by H. 6. 18,19. but foz an infury within the furisdidian of the Court done, complained on, beard Kelw. 23 H.7.99 o determined on the fame Parket day, the proceeding being de hora in horam, and Doct.& St.fo. 11 3 Mar. Dier 132 within the precind of the Parket. And herewith agreeth 3 Mar. Dier 132. And Int. Hall & Pinit was resolved that this Court was incident as well to a Warket as to a Fair.

der. 45 B.3.1. 1 H 4.6.11 H.7. And there may be a Court of Pipoweers by cultome without fair of Warhet, and a Warket without an owner. Another erroz was alligned, for that it is provided by the fatutes of 17 E.4. and 1 R. 3. that no plea fould be holden in the Court of Bipowers, except the Plaintiff of his Atturny will make outh, that the contract og other deed contained in the Weclaration was done og committed within 21 E.4.9. contract oz other deed contained in the Weclaration was done oz committed within 19 H.8.Br. inci- the time of the Fair : but this Erroz was difallowed by the Court, for although this ought to be done, if the Defendant will Kand upon it, notwith Kanding it

thall not be made part of the Record.

Vide Lib. Intrat. Raft. fo. 464. Pipowder 1, 2. fo. 18. Execution 3. fo. 1 c8. Gaoler 1.

remains included to a cincal the allies to make a potice, the potter man

Durance quater a Hall.

a certon gwo gallous make a perk. courpertus make a buibell, four buiheilumere Conver. this Combre maker XII. T. Convers mobe a weep, and to

e Di Aiguar, 12 ountes mane apouim, 8 pound made a gallon of water & ex-The Court of the Clerk of the Market.

E is to this bay called Chesical Mercati Hospini Regis, be af ancient Beine for time there was a continual Parket baptas the Cautt gate, where the Flooriban thing was better ferned with Hisnes for his houthold than by Pur- Ros Panzo Be pepozs, the fubjed better ules, and the mitigatfar leffe charge in refree of the multitude of Purbepogs, gc. - And the Officer of the Market of the lings baufbold 13 retaineth his name Mill, although the good end thereof according to the first in-Attution ceafeth.

Light Clerk of the Market hall both no pleabut such as were beloen in the reign of E. ?. And another pay there to no great nate of him, to the Julices of Anile, the Julices of Oier and Terminer, Julices of peace, and the Shariffs in effeit Louins, and the Lozos in their Leets, may and no enquire of falle meights and meafures.

be both heep a Court and inquireth of weights and mealures whether ther be according to the mings Mandard of mi, and for that purpole he maketh proceffe to Dieriffe and Bayliffe to return Pannels befoge bim, oc. 4 Ann be is to beliver the Elirents of thole things which touch his office into the Encheques.

of Brink (that is to lap) of Mint, Ale, and Berr and of Corn and Grain there ourbt to be but one measure : Una mensura Vini, Cerviliz & Bladi, & Vinga, and of all other mottenmeles per tomm regnum of De pondembne vero ficur na caleng of every purpoil, 23, or every pall balleft, 14, of

14 E 3 del 16 14 R. a. depos 14 R 3.04 . 14 E 200 3. 9 H 5.04 & 17 H.7.04 . 19 H 7.04 . 1 H 7.04 . 1 H 7.04 . 1 inte, of every other incoluce a ball penn

of a Mading

But une with frauding thefe Matutes there be within this Mealer two hind of Winghes. meighes, the one called Trop-weight, which is commended by the Catute, and Trucina Capar this pertied from the grain or corn of barry from the missest of the Gar and are fural 3.1 2.3.

24 of their corns or grains make a pently weight, and 20 of their penny meights

this pertiech from the grains of com of barly from the missell of the Gast and be?

At of these corns arguming make a south inelight, and cool of these pransy meights make at some and its owners make a point inelight, and cool of these pransy meights make at some and its owners make a point areas. In grain consess so minutes, a primite contains 24 brotes, a private a caret. 24 Carets of this gold make an owner, and its owners make a point of the gold. By this Ardy meight are tweights according to late pastly, and they are it makes a point of the gold. By this Ardy meight are tweights according to late pastly.

About a monther historie therefor earlies Ardy de points of points of this some offices in mother historie therefor earlies Ardy de points described pastly pastly pastly pastly before according to the some offices are deposed, and it pastly pastly pastly pastly before the fact of a course where the point of according to the fact of a course of a course of a course of a popular described by the fact of a course of a c

Lib Int Co. Care ce the Expositi Roc.Parl 8 H.4.mu.82. 16 R.3.C.3 d Star; de i Anno 16 E.1. A 15 E.a. Magicara c.25 27 B.3.ca.10 35 B. 3 Cap 9.

Trutina Cape

: ER. 3 CID 5

The Court of the Clerk of the Market. Gap. 61.

Ordinatio menfur. 31 E.1. ubi fup.

Df bzp things, 4 grains make a penny weight, 20 penny weight make an ounce, 12 ounces a pound or pinte (for a pound weight is a pinte in mealure) two pounds of pintes mabe a quart, two quarts make a pottle, two pottles make a gallon, too gallous make a peck , four pecks make a bufell, four bufells make a Combe, two Combes mabe a Quarter, fir Quarters make a Wep, and ten Quarters make a Laft.

Df Liquoz, 12 ounces make a pound, 8 pound make a gallen of wine, 8 gal-

lons of toine habes Bufbell of London, which is the 8 part of a Quarter.

Di Mine tee the fracties of 1 R. 3. cap. 13. 28 H. 8. cap. 14. che Ferkin

Ven Mag. Caren to, 11572. a part fbjdem 44. b. Compositio ul-harum & perti-carum yer. Mag. Cart a parts 45,

46. Anno 31 E.I. Statut.de

terris menlur.

Jas Q. roll & 16 R.s. Ca. W. F. A.A. 3: Bah in Scaccarium.

Anno 16 E.t. & Pos Paris Bian ay E. t. call bur

ar E 3.cap 9 II H.4.CP.4 Trucina Chena

Ordinacio men-

14 R.3 cap 4. 38 Aff.p. 11.

INFES.

the Bilderkin 16

See Allians with and Beer the Babel in 32 Callons, with you side at at D'

& Certifie and some control of the Bayleans of th Der the Statute Compositio de Ponderibus: aus nalis 1942 A saidel hall season Stater de Piftoribus, Very Mag. Cort. 2 (part. 23, 24. 3) . 2002 11 (1) to some Starue Pathe & Cervifiz and one dam ett dandelis . Will a

Df Longituse, Laticude, and Profundity; 3 grains of barry in leugth make an Inch, 12 Anches make a Foot, three Foot make a Paro, a Pard and a quarter make an Ell, 5 paros and a half mabe a Berche, 40 Berches in Length make a Furlong, 8 Furlongs make a Wife.

I map thean of the letters up the weight of Aver de poys, as Tacitus fpake of the Augures in Rome : Hoc genus hominum femper vitabitur, & femper in Civitate retinebitoriot

But now let us fie what fies the Clerk ofthe Market ought to take. fatute of W. f. cap. 26.ft is enades that no Sheriff agather Ginifler af the Ring choose languin that take any remard for boing his office, see And the Rings Clerk of the Mathet to the mings Minifler; and therefore be is within the purpein of this datute ball of shipe of its

I dun'that in 8 R.z. in open Warliament a Gzoat was allowed to bim for marking and traling of every buthell, 2 d. of every balf buthell, I d. of every pech, and

lo according to that rate. Hy and Borough fall take for fealing of every buthell a penny, of every other mealure a half penny, of every hundred weight: I de and of every half bundred ob, and of every meight un-

beet farthing and not above.

The Clerk of the Parket in the reign of Queen Eliz, claimed by cultome for the examinacion and vietness every bushell lealed before by the Clerk of the Parket, inherber it were lawfull of unlawfull 2 d, and is like matther of every lefter measure of wood 1 d, and is the wantey of Miguallets 2 d, and divery other sees for examination and between of toeights and measures beether they were lawfull or unlawfull, as is aforefail. And it was resolved by all the Judges of England, that no fee was one furm' 31 E. F. to the Ciert of the Partet for vieto and gramination onely of weights and mea-tures for three coules. And be lain Barliament Roll of 8 R. 2. alloweth a fee . union. The Abomeights and measures ere either true, according as before they that to erading a fair and time; it should be against reason to charge the innocent, to that were different to charge the innocent, to that were different to charge the innocent, to that were different to charge the innocent, to the form of the first the Charles not the man time, it inquid be against reason to charge the innocent, so the Charles are the charles of 13 R.2 they range to the Charles, and increasing of the view, and examination is to sind out fallbood, so the charles might be practice, and such a the lains, as appeared by the Cartes of the charles 2, but no fee into the taken, therefore 3. Whereas the Clerk of the Market assistance, that these say there of long time taken, the Nunges late, that was loss with a state of the charles of the charle ertogeion, and that they could not preferibe against the laid fatute of W. 1. Ser 10 D durtheau pour lof, the latitores the Groofition of the late flataite of W. 1.

By the lais fatute of 13 R. 2. he ought to take no common fine, for before that BO B 12 n 2

fatute be did ufe to take a remard (which the Ac tearmeth a fine) for not inquire of defaults, whereby the thing was prevented of his fine, the belinguent not punithen, and the people wronged by extortion and nermillion of falle measures : and therefore the Au province that no common fine fall be taken as is afterfail. but that every person which is found in default touching the same office be punished according to his pefert. And the Clerk of the Market cannot fet any price of any thing falcable in the Barket, for that belongs not to weighte and measures; and by the Common law Arbitrio Domini res witimari debet, which cannot be altered 3 H.S.cap. 8. but by Barliament; and again, Nemo cogitur rem fram vendere cuam julto precio ; and things faleable in the Barket of one kind are not of one goodneffe : but he ought to affile weights and mealures.

We is enaden that good examination and correction be babin Lotons infranchifen touching weights and meafures, lo as the" flatutes thereof made he ouly fore in this 8. Coat a Commission of Selecte thill coatings ten score

oblerned.

gineth

13 E.4.8.b. 23 E. 3. Cap 6. 12 R.z. cap.8.

6 R.s.cap.13. Rot. Par. 37 E.3 nu.39.
*Which are be-Chapter,

tage of to be made to lescone 7. This kards, Depinences and Conflictions rishe of the be utade to loccost and leave field for loccost and leave field for the Seals of

The Court of the Commissioners

nofficial and the in noitaninof Sewers as he that on asso

197ha ar 1912 🕸 Clear an aillean Ulando a aqua profluit , that is, toben water bath iffue, bulgarly, fue : a Vid Pafch. berenpon cometh the word Sucra, for a femer, paffage, channel, or guttur 12 E. in Banco of materin day wal don't nad?

at the complaint of Henry de Lacye Carl of Lincoln, a Commillion of Demers was granted to Roger de Brabalon Dapor, and the Sheriffs of London.

Cheir authority is by Commillion under the Oreat leal in her verba, at this

Day grounded and warranted by the Ad of Parliament of 23 H. 8.

Of their jurisdiction you may read in my Meports, and fee the Catutes of 35E. 1, accardiffe 6 H. 6.cap. 5. 8 H. 6.cap. 8. 23 H. 6.cap. 00 12 H. 4. 6. 4 H. 7.401. 6 H. 8.cap. 10. 23 H. 8.cap. 5, 8010. 3 E.6.cap. 8: 1 Mar cap. 1 1, 53 Eliz, cap. 9.

Certain necestary observations upon some af these figtutes; and principally Lib. 20. fo. 137. wherein the Ratute of 23 H. S. cap. 5. both been explained, Declared, or altered Le case de main

By any of the lois lubtequent fatntes. dien tadt mistre a fong as fhall be named by the Logo Chancelloz, the Logo Treaturer, and the two

Chief Jufticop, og any them of them, whereaf the Logo Chancellog to be one. 2. Chery Commillioner befoze be take upon him the execution thereof hall Take the Corporal Dath mentioned in that An before the Lord Chancelloz, or fuch as the Lord Chancelloz thail bired by Warit of Ded. Poteftatem, oz befeze the Authees of Beaes in their Awarter Dellions, and sought to babe lands of cenements of the clear yearly baine of 400 parks, of fine effate of frechold (except ag in the Statute is excepted) upon page of facilities of 140 li, and no Farmer of lands biebin the Piecinal of the Committon, unlesse be bath lands of four, chare of recipole of the pearly palment 40 ii. and get he not to meddle both the langs be F.N.B. 225.c. bath in farm.

bath in farm.

The avolder of fullification for a vidvelle caken by force of this Committen for theil be general, that the fair bistroffe, oc. bus taken or by force of the Comuriffing of Demers log a fot og tar affellen by the laid Commiffion, og fog fuch other

Me of caute of the annual ob. do . Col Column nothing and the by toge of whom the Marth in the County of Kent containing 240 neithenod of a sit

the fair Commingion. 2 paralet not and to grante of in the M. Constitute to the granted. The capital to the fair An of an incident of the fair and t fin Elix cap 9 b'21 His.capis Lib. Int. Cole 292 Will How many Commifficeres moth fit. Cossenante; Thefaio general Ach of 23 H. & ca. 5. in the claufe mouch

Rot. 53. Kanc. Com.de Sewar Vi.Regift. 187. Certiorar. & Ror. Parl. Ann. c 23 H.8. cap.5. dLib.5.f.99,100 Rooks cafe. de chefter, & fo. 139. Keighleys

Ib.141.Le cafe de ife de Ely. Vi.Regift, 252 b de antiqua tren-chea obfiruenda & nova facien vel habene quod damaum, Ibid. 254. b. de aquæ duda, æ

Tr. 31 E. 3. fol. 19 E.3.bar 37 To whom, & by

Jac.cap. 14.

Net4; an excel-lent exposition of the statute of

23 H.S. by this

Commissioners of De piers to religin the great burt and number by reason of the fant rifing out of the Bea, and between to land be flooms and winds. A frecial provision is there was for the Countries Glamorges, and all again and and

It is asningen by An of Dutliament Anna 3 Jacobi regis cap. 14 Shat ully Ditebes, Banks, Outres, Dewets, Gates, Cauleys, Brigges, and latercourles in of Mont the City of London; where no pallage for Boats is ufer, not the water therein outputually the or flow : which walls, Ditches; Banks, Butters, Detbers, and other the premites, to fall into the Miber of Thaines, are not incorrebe furber, correction and amendment of the Committee ons of Dewers, nor of the flatures make to Dewers in Anno 24 H. 8. 02 of any other flatute of Demers, as it is rehearled by futl confent of Barliament : and therefore provision is mate that thate mails, Ditches, Banks, Gutturs, Detoers, and other the premiles, that be fubjed to the Commiltion of Demers.

6. That a Commiffion of Dewers fall continue ten years, unleffe it be repea, led og vetermined by realon of any new Commiffion, og by Superfedeas.

7. Abat Laws, Debinances and Constitutions made of to be made by force of any such Commission, and written in Parcontent indented under the Seals of the said Commissioners of the of them, whereof one part shall remain with the Clerk, ec. and the offet part in fuch place as fir of the lato Commissioners shall appoint, hall without any Certificat, and without the Moyal affent stand and continue in full force notwith Canding any Determination of aup fuch Commission by Superfedeas, untill the fame be altered by the Commissioners of Sewers after to be affigues, so.

8. And if any fuch Commission be determined by expiration of sen pears ne enfuing the Tefte thereof; then fuch laws, or. fo invenced and fealed, or. forth of one to be of the Quorum, fort have authority suring that year to execute the formeriation unver the Creat leal in har verte gotal dial

9. That by the granting of a new Committion bethin that year, the power of the Antices of peace to cester and an m

10. The faid Committioners that! not be campelled to make any Certificate og reforn the fair Committions, of of may af their Dynmances, Laws, or baings, by Autholity of the and Committees, and woon energy of the grand ment

Til Die alle an aleeration by the distate of 13 Eliz, conceening fies . at married

12. Laftip, this is certain, that neither the Commissioners of Dewers, nor any other. Savethel an anisitute authority, but that their proceedings are bound fone as held be named by the Lard Chancellog, the Lard Areaft

Vide the aucient Committion of Detacus by the Common lato in the Megifter, and F. N. B. Ciero Commentante before be take upon bim

A general Committion of Desiers enaced by authority of Parliament, not to earn, of Ded Poreflicers, at belege, establic

A general Committion of Sewers enacted by Parliament, and in print. But the Committion by the Catute of 23 Id. 8. Candeth name in face. And get by pile ent perutal of the logities, and by moules comparing of them with the latter, it they were lupplied and micenden, and give a great light for the true autherstanding of that which now franceth.

Bet Hil. 13 B. 3. commerce Defes & confuerndines apprehate pro reparatione murorum maritimorum & mundatione Follatanum & Suerarum in paludhus que hie exprimentur per commillionem Regis ad boc faciendum in Merfhland.

A particular Commission grantes to D. Job. de Satton, e Dir Rob. de Scrope.

Rumney Marth in the County of Kent containing 24000 scres, is at this bay, dito long time buth been governes to certain ancient and equal lawes of Bothers made by a penerable Auflice Henry de Bache, in the reign of H. 3. from which lates not only other parte in Kent, but all Angland receibe light and vite-Rumney Marth. dion ? For erample: The laid general Act of 23 H. 8. ca. 5. in the claufe which

Parliament of 3 725 443 pille ai co 13 El'z.cap.g. How long the Commission fhall endure. 13 Eliz.cap. 9.

The laws written

in Parchment, & indented, &c. Without Certi-

ficat or Royal

affent.

Determination by expiration.

Juffices of peace

Note, no certificat or retourn of the Commic fions of any the Ordinances, Lawis or doings

Regiff. 126, 127. P.N.B. 113, 114. Rot. Parl 2 H.6. THI. 57. H. Gesp. 9.

b. d 11.3 ME. 3.Ca.4 45 E.3.cap. 3.

Hil. 13 E. 1, coram rege Rot. 35. Norf. Pale 44 E. 3. co-ram rege Rot.a. 19 B.3.til 1E,3.fo.26. The Court of ewers of

Command to the contract of

forzy, 26. Calibraters et al. 1801 E.

niveth power to the Commillianers to make Statutes, Debinances, and probifions ec. necessary and behavefull after the lams and customes of Rumney Marth in the County of Kent, or otherwife by any mayes or means, ec.

Both the Lown and Pirit of Rumney took their name of one Robert Rumney. This Robert (as it appeareth by the book of Dometony) held this Lown of Odo Bifpop of Baieux, wherein be had 13 Burgeffes, who for their ferbice at the fea were discharged of all actions and customes of charge, except felony, breach of the peace and fozeltalling.

See befoze in the Chapters of the Courts of London, &c. the furisdiction that the Lord Papor hath in the River of Thames.

CAP. LXIII.

The Court of the Commissioners upon the Statute of Bankrupts.

That bave fetched as well the name as the wichednesse of Bankrunts "The derivation from forein Pations : For Banque in the French is menfa, and a and fignification Banquer og Ofchanger is " menfarius, and route is a fign og mark, Cicero pro Flas we fap, a Cart rout is the fign og mark where the Cart hath gone: metaphogis minio: Is que cally it is taken for him that bath walted his effate, and removed his Banque, to civitate summet as there is left but a mention thereof. Some tay it fould be beribed from Banque mover walks pe-

and rumpue, as he that hath broken his Banque or fate.

In former times as the name of a Bankrupt, to was the offence it lelf (as hath freibus, 3 prabeen laid) a ftranger to an Englifhman, who of all other Rations was freet of que menfaris. Banbruptep. And the first Batute that we find against this crime, was indeed af E.3.ftat.3. made against strangers, 112. against Lombards, who after they had made willgations to their creditors, subbenly escaped out of the Mealm without any agreenu. 160. aga
ment made with their creditors. * It was therefore enacted, that if any Perchant Lombards. made againt ftrangers, viz. againt Lombards, who after they has made Dolf. cap. 23. of the Company bnothleoge hintelf bound in that manner, that then the Compaup fall antwer the bebt : fo that another werchant which is not of the Company shall not be thereby grieved noz impeached: neither do we find either any & 2 R.2. cap.3. complaint in Parliament, oz Ac of Parliament made against any English states. against Bankrupt until the 34 year of H. 8. when the English Perchant had rioted in 34 H.8. cap.4. thee kinds of collinelles, viz. collip building, collip ofet, and collip apparel. accompanied with negled of his trade and ferbanis, and thereby confumed his wealth.

Be is called in Latin * Decoctor, à Decoquendo, for confuming of his effate in " Cic. in Cariliriotous and belicate living. The faid Act of 34 H. 8. is aftered by the Catutes of nam: Exercian 13 Eliz.cap.7. 1 Jacobi, cap. 15. & 21 Jacobi, cap. 19.

And it is to be observed, that all the afozelaid flatutes and lates made against & decocloribus. Bankrupts, and for relief of creditors, fall be in all things largely and benefi-

cially confirmed, oc. for the aid, bely, and relief of the creditors.

cially construed, oc. for the aid, peip, and refler of the creekings.

A Bankrupt is described by the statute of 13 Eliz; cap. 7 and 1 Jac. cap. 15. The description but more effectually by the statute of 21 Jac. cap. 19. So as by all these three be a The authority is perfeatly beforibed. And the Commission both extend to all and every of the of the Commission

faid defcriptions and articles thereof.

The authority of the Commissioners is by Commission unver the Great feal; jurisdiction. their jurisdiction and power is by force of the said Aus of Parliament which Cure Delabariought to be pursues, box else they are subject to the action of the party grieved, c 13 Elizap. for he hath no other remedy. "The Hogo Chancelor of Lord Reeper upon Com- who may grane plaint made unto him in writing hath authority to grant the faid Commission, the Commis

test fine quinque toribus, & quin_ nu. 160. against 51 E.3.nu.51; Vid.50 E.3.ca.6

collectum ex ru-

Commiss. for Examination of Witnesses. Cap. 64.

ding. 1 Jac.c. 15

Three qualities The law hath probided that these Commissioners ought to have *3 qualities, of every or these view districtly, and officerion; which is the observed, it is the best means Commissioners, but the out execution of the call Statute, and the life of these lawes both could in General pleathe one execution thereof: And the statute Commissioners it say Action shall be

brought against them, or for oding of any thing by force of the laid Statutes, they like present and not to be briven to any special pleading.

They have power to examine the offender upon oath, and after he be declared a Bankeupt, to examine his wife upon oath, and to examine witnesses also upon oath. See the Statute. And they have power to break any the Boules, Chambers. Matehoules, or. Lrunks and Cheffs of fuch offenders. See the other parts of this Act of 21 Jacobi, which are plainly and effectually expected, and need not

*Lib. 2.fo. 25,26 Cullamors cale. here to be recited.

mere ibelete be Care bath gone: rachtobe i minis: 1. gue

Lib. 8. fo. 98. Baspoles case. Ib fo. 121. Int. Cutt & Delabar Cutt & Delabar.

For the exposition of the faid fatute of 13 Eliz. * See in my Reports lib. 2. fo. 25,26. Cullamers cafe. Lib. 8. fo. 98. in Baspoles cafe, & ibid. fo. 121. inter CAP LXIII.

Court of the Commissioners upon the

Commissioners for Examination of n tow, som alderet man Witnesses. ning, and route to a dign or mark,

mena e ip inii g Dalmuch as the Court of Star-Chamber, the Chancery in cates of equity, the Erchequer-Chamber in cales of Cquity, the Court of Warbs, and the Dutchp of Lancafter bo proced upon witneffes eramined before Commiffioners, og in Court befoge the Craminers, it thall be necestary (as a matter of great importance) to tay fomembat of the power, authority, and buty of the fair Commillioners and Craminers, and incidently of witnelles.

The Commissioners, albeit named by the parties recipeocally, ought to Rand indifferent, and do their uttermost endeabour to find out by due examination the whole truth, and to suppreffe no part theent; for their authazity is to that end merly and wholly from the Ming by force of his Commiffion.

Beither Commiffioner noz Eraminer ore frialp bound to the letter of the Interrogatozy, but sught to explain every other matter of thing which rifeth neces. farily thereupon, for manifestation of the whole truth concerning the matter in

Beither Commillioner noz Craminer ought to discover to either of the parties or to any other, any of the bepolitions or any part of them, which they bave taken befoze publication be granted.

Beither Committioner noz Eraminer after the Cramination begun, ought to confer with either party touching the examination, og take new infructions concerning the fame.

Forsimuch as the witnesse by his oath, which is so facred, as he calleth Almighty God (who is truth it felf and cannot be beceived, and hath bnowledge of the fecrets of the heart) to witnesse that which he shall bepole ; it is the outp both of the Commissioner and the Graminer gravely, temperately, and leisurely to take the deposition of the witnesse, without any menace, disturbance, og interruption of them in hinderance of the truth, which are grievaully to be punished. And after the depositions taken, the Commissioners and Graminers ought to read the addidua. See the fame villindly to the witnetles, and lutter them to explain themfelves for the manifeltation of the whole truth. And it is fafe for the Commissioner and Craminer that the witnesses subscribe their names of marks to the Paper-book, but they muft be certified in Parchment.

The derivation noise Bingh bas

Lankman 10

केंद्रेशक विकास

ermeet, 3 18-16.

Mine the and i int

erif fine garmene

og dufter, What See 11.9 fo. 70,71 Peacocks cafe, for this and fome of the cafer following. Lib.9. ubi fup.

Lib. 9.ubi fup.

Lib 9. ubi fupra,

Aug. Serm. 28. de verbis Apostoli. Jurare est jus veritatis Deoreddere. Azo. Fusjurandi eft affirmatio vel egatio, religione third part of the Indieures cap. Perjury.

And

And albeit the Commissioners be not equal in state or degree, get are they all of equal power and authority: for, as it bath been faid of old, that there might be priority, but no superiority amongst Commissioners.

Interrogatozies ought to be fingle and plain, perfinent to the matter in que-

ffion, and in no fort captions, leading, or directory.

In some cases the Courts of the Common law do judge upon witnestes, but *8H.6.13. 2E.2. they mult ever gibe their tell mong viva voce: * as in dower, if the iffue be tobe - trial 46 &c.

ther the bushand be alive of no, gc.

Witnels is Deribed of the Baron Weth Weten. i. Scire, Quia de quibus fciunt @ Of wirreftari debent, & womne facramentum debet effe certa fcientia. In Latin Petis neffes. à testando : & testari est testimonium perhibere : unde Regula juris, Plus valet Additions to the unus oculatus ceftis, quam auriti decem : Teftis de visu præponderat aliis, ::

An Dath ought to be accompanied with the fear of Gab, and ferbice of God fog fitures, Sea, r. advancement of truth, Dominum Deum tuum timebis, & illi foli fervies, & per And to the third

nomen illius jurabis.

Bracton faith that an Alien bean cannot be a witneffe : which is to be under- tures cap. Perjury frood of an alien Infidel: b for the Wilhow of Rolle being a Scot born, was anmitted to be a witneffe, and fwogn Anno 14 Eliz, in the cafe of the Duke of Norfolk by the opinion of the Aultices allilants. This falfus non erit impunitus.

Noce diéque suum gestat sub pectore testem :

Dis Conscience alwayes gnawing and vering him. d Vox simplex nec proba- 14 Eliz. tionem facit, nec prafumptionem inducit,

Testium numerus si non adjicitur, duo sufficiunt.

Jurato creditur in judicio.
Testibus deponentibus in pari numero dignioribus est credendum.

8 Testmoignes ne poent testifie le negative, mes laffirmative.

h Allegans contraria non est audiendus, verum vero consentiens est falsum nec f Vid. E.3. Jaramentum est indivisibile, & non est admittendum in parte verum, & in b 16 E.4. 10.2. vero nec falfo.

parte falfum.

Allegans fuam turpitudinem non est audiendus.

Judex non potelt elle teltis in propria caufa.

Jus jurandum interalios fad' nec nocere, nec prodeste debet.

Facultas probationum non est angustanda.

Decemme in Lupanari commisso, lupanares telles elle possunt, por elle se a que 3 E. e. t. R. J. Rot. Cla

Qui prodit in scenam mercedis ergo, infamis est.

Mitneffes sught to come to be bepoled untaught, and without instruction, and hould wish the victory to the party that right hath, and that Austice Could be administred : and thouse say from bis beart, Non sum doctus, nec instructus, nec curo de victoria, modo ministretur Justitia. Dee Britton 134, 135.

13 Eliz. 306.

I. part of the In-

part of the Infti-12 Aff. 12.

23 Aff.a. 11 Aff.p. 19 . a Deut.6. 13.

b 16 Januarii . 6 Prov. 19.

d Brack.lib.y. 9 fo. 400.b. 3 H. 7. Kelwig6,

e Brachling.359. triall 45.

. Trin. 13 E. 1. in Com, Banco. Rich, de Raynhams cafe.

Hudrio toponia d

Hiftriones Mer-

CAP. LXV.

Curia curins Aque apud Gravefend.

Of this Court, and others like, which are in private, we intend not to treat, for that the labour herein were infinite, and ferbeth nothing for the publick, whereat our principal aims bath been.

CAP. LXVI.

The Kings Swanheard.

Rot.Pat.16 R. 2.
Page. 1. m. 39.
"Tr. 33 E. 1. Effex. coramRege.
Rot. 1.4.
7. H. Gasec'.

I The Kings
Alneger.
«Rot. Pat. 14 En
Tho. Darlington Militi.
This appeareth
alfo by the flatites the micives
af E 3.cap. 1.

bat authority the mings Dwanhears bath, being of ancient time by his Office Magister deductus Cygnorum, you may read Rot. Patentium Anno 11 H. 4. part. 1. m. 14. Rot. Pat. 30 E. 3. part. 1. m. 20. and Lib. 7. fo. 15, &c. Le case de Swannes; but Court he bath not: \$20 \$ other can be a * strap but a Dwan.

Do likewife there is an ancient Officer of the kings Alneger of the kings gift being befoze any statute: As taking one example for many. *In 14 E.1. Die Thomas Darlington was by the kings Letters Patents Alneger of Broad Cloth, and had a fee of the king for the exercise of his Office; For the fee that he had of the Subject was (as it ought to be) by Ac of Parliament. 27 E. 3. St. 1. cap. 4. b Alneger of Aulne in French, and that of ulna, ulnator. See before concerning the Alnaging of new Draperies, Cap. Of the Pigh Court of Parliament, pag. 31.

flat. 4. 4. 4. 27 E.3. flat. 1. cap. 4. 3 R.3. cap.: 17 R. 2. cap. 2 & 5. 1 H. 4. cap. 13. 11 H. 4. 6. 13 H. 4. 4. 11 H.6. 1. 13 H.6.5. 4 E.4.1. 8 E.4. 1. R. 3. Rot. Clauf. 17 R. 3. m. 14. b The derivation of Alneger.

CAP.

CAP.

graf and a deal out the colored and the colore

C A P. LXVII.

The VV ardens Courts in the East, VVest, and middle Marches adjoyning to Scotland.

23 H.8. cap. 164 31 H.6. cap. 3. 8 E.4. cap. 2. 23 E.4. cap. 8.

Boyders Law, but their jurisdiction to at increased by Act of Bar- 23 H.8. cap. 26.
If ament. The limits of their jurisdiction to at within the Parches, 31 H.6. cap. 26.
Westmerland, and the Lown of Newcastle upon Tine in the County of York.

For the word [Parthes,] fee before Cap. Prefident and Councill of Wales.

ond Tise tree, and is abelieu, so obere. Damp libe of Perliment bale ten reaches a continue abit to a voy and the Prayle therein, belieb take not been in Leterine, outplos to a gibtle had fow to alip 10 personnit it, account wir as right on any to it, and it may be also be collected (tobing to be unco account

But fince King James was Conarch of both Kingdomes, the batable 4 Jac. cap. 17.
grounds on both fides are become quiet, and so peaceable, as all the said
Courts in the Cast, whese, and middle Carches are bandfood, and bossile
lates on both fides by authority of Parliament in either of the Kingdoms
repealed. See the said Castute of 4 Jacobi, See the First part of the Institutes. Sect. 3.

file and the first then wall of 10 F. 3. a. 211. 21 . (621fic Grove - metre and

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€ 4 1:

tothe mobre adapt

CAP. LXVIII.

Of Callais, or Callis, Caletum.

Rat.Par.50 E.3. nu. 311, 212. 6 H.6. nu. 41. See the ftamte Laws & orders and : H.7.cap.3 bar H. 7. 33. 11 H.S. Kelw. 202. b. Par. 3 R. s. mu. 48 6 Pat. 15 B. 3.

\$ 3.12

f I R. 2. nu. 37. g Parl. 50 E.3. nu. 109.

Dis firong Port Town, the famous and flouriffing Part, Staple, and bent of Englif commodities was bolden and kept by the space of 211 pears by II Ceberal Bings, viz. E. 3. R.2. H.4. H.5. H.6. E 4. E.S. R.3. of 27 H. 8. con- H.7. H 8. E 6. and bolden and loft by Ming Philip and Mary the firt Quen regmant of this Realm, the Logo Wentworth then Deputy there:

It was geberned by Englishmen and by English Laws, fome particular cufor Callis & the Comes excepted. h And of a judgement giben there a Wigit of Error did lye retagnable into the Mings Bench. Befoge the Ptaple at Callais, it was kept at Bruges in Flanders.

The dilozen bogn there were inheritable in England, and to declared by au-

thority of Parliament.

And there the Bing had his Wint in luch manner as in the Lower of London: Certain it is that riches followed the Braple wherefoeber it was kept. Parl, R.s. nu.4. And it could not be appointed in any place but by act of Warliament.

d 42 E.3.cap. 10 11 E The Dtaple being at Callais, upon all rodes forth of the Lown by the Cap-Lib.7.in Calvins tain, the Papas of the Staple furnished him farth of Werhants and their fere Rot. Parl. 9 R. bants to the number of Ico Billimen, and 200 Arthers without any toages. And pet it appeareth in the Barliament Woll of 2 R.z. nu.15. that Callais coft the 9 H. J. Aat. 2.c. J. Ming yearly twenty thousand pounds.

De the Parliament Moll of yo E. 3. nu. 211, 212. for the Papors Courts, ac. and Liberties, and Franchiles, ec. there. Pany Ads of Parliament babe ben made concerning this Lawn, and the Staple therein, which ned not here to be recited, only we thought it not good totally to pretermit it, because the Bings right remains to it, and it may bereafter be reflozed (which is to much deffred)

to the right owner.

3 6 3

5 0 Q

Ferdmende fro effect of the contract of the co

Of the Isle of Man, Infula Eubonia, modo Mannia, and of the Law and Jurildidion of the fame.

egast of the by tables one are being unaled of his pole, belo bed the falle

Dis Me bath been an ancient Bingdom, as it appearert in Li.7. in Cal- Lib. 7. fo. at. in vins cafe, tobich net not bere to be recited. And pet toe find it not gran. Calvins cafe. ted og conbeped by the name of a Ringbom, fed per nomen Infulz, &c. cum patronaru Episcopatus. De hath the Patronage of the Bispoprick of Sodor, which is a bisible mark of a mingoom; albeit of ancient time the Archistop of Canterbury was Patron of the Bispoprick of Rochester, and the Carl of Clouc. Rot. Cart. 26 of the Bispoprick of Landass. Vide Lib. M.S. in Recept. Scaccarii, fo. 266. & Lib. Johan. m. 6. Parliam. in Turri London Temps E. 1. fo. 19. 21.

William le Scrope emit de domino Willielmo de Monte acuto Infulam Eubo. An.Dom. 1393. niz, (i. Mannæ:) Elt nempe jus ipfius Infalæut quifquis illius fit dominus Rex

vocetur, cui etiam fasest Corona aurea coronari.

The Lord Scrope forfeited the fame to H. 4. for Digb treafon. Sing H. 4. granted the fame to Henry Carl of Northumberland in thefe words. Rex &c. of him, See Walls De gratia noftra speciali dedimus & concessimus Henrico Comiti Northambriz Infulam, Caftrum, * Pelam, & Dominium de Man, ac omnia infulas & Dominia Rot. Pat. 1 H.4. eidem Infulz pertinen. que fuer. Willielmi le Scrope Chivalier defuncti, quem in lo 2. parce 5. vita fua Conquestati fuimus, & ipsum sic Conquestatum decrevimus, & que ra- m. 36. tione Conquestus illius tanquam Conquestata cepimus in manum nostram. Qua quidem Conqueltum & Decretum in presenti Parliamento nostro de affensu small III belon-Dominorum Temporalium in codem Parliamento existentium quoad personam prafati Willielmi, ac omnia, terras, tenementa, bone, & catalla fua tam infra of Man. regnum nostrum quam extra ad supplicationem Communitatis regni nostri affir- Nota,the title of mata existunt, &c. Habenda & tenenda eidem Comiti & haredibus fuis, &c. per theKing by Confervic, portandi diebus Coronationis nostræ & bæredum nostrorum ad finistrum quest is affirmed humerum nostrorum et finistros humeros bæredum nostrorum per feipfum aut fufficientem & honorificum deputatum fuum illum gladium midum quo cinci ersmus quando in parte de Holdernes applicuimus, vocatum Lancafer Sword, durante proceffione & toto tempore folemnizationis Coronationis Inpradicta

In this little mingtom there are 2. Caftles , 17 Parifice, 4 Parhet totons, and many Willages, and in that Mile there is a Bifhappitch, as bereafter finil

Anno y H. 4. the faib Henry Carl of Northumberland was attainted of tresfon, and by Ad of Parliament I Martii 7 H. 4. it is enaded that the Ming Ros. Pat. 7 H. 4. thould habe the forfeiture of all his lands and tenements. And afterwards in parce 2. m. 18. 7 H. 4. the King granted the Alle of Man und cum Patronatu Episcopatus, to Sir Cum patronatu John Stanley for tife : and after in the fame year be granted the fame Me und Episcopatus cum Patronatu Episcopatus, to the said Dir John Stanley and to bis beirs . Tenend, de Rege haredibus & successoribus suis per homagium ligeum : Reddendo nobis duos Falcones femel tantum, viz. immediate post homagium hujusmodi fad, : Et reddendo haredibus noftris regibus Anglia duos Falcones diebus Coronationis corundem hæredum nostrorum pro omnibus aliis ferviciis, confuetudinibus, & demandis, adeo libere, plene & integre ficut Willielmus Scrope Chivalier vel aliquis alius, &c.

This Dir John Stanley bab tilue Str John Stanley Amight , who bab tilue Dir Henry Stanley Lazd Chamberlain to Ming H. 6. who created bim Lozd Stanley, who has iffue George, who had fifue Thomas, whom Ming Hig. created

Walf.An. 17 Re

Of the quality

Carl of Derby to him and the beirs males of his body, who had iffue Thomas, who

Vide 33 H.S.c.o. a provide for the subjects of the Iffe of Man. 14 El. cap. 5. "In Turri Lond, 3 Junii, 6 H. 4. fuch a Commitfion under the Great Scal was granted to Sir John Stanley, William Stanley &c. to feife, &c. in this very cafe. Mn rur, Rot. Par, 18 E. r. & Ange 5 E. 2.

bad iffue Edward, tobo bad iffue Henry, tobo bad iffue Ferdinando and William. Ferdinando had iffue Anne, Frances, and Elizabeth, and died without iffue males And between thefe daughrers being beirs general, and William Carl of Derby being beir male, quetton toat mobed concerning the title of the Man : which by Duen Elizabeth was referred to the Lord meper Egerton, and to others Louds of the Councel, and to Popham Chief Juffice of England, Anderson Chief Juffice of the Common Pleas, and Peryam Chief Baron; bifo I cu. 40 Eliz, upon bearing of the Councet of both fiden, and mature deliberation, re-folbed thefe Rive points. I. Epat the Alle of Man was an ancient Mingdom of it felf, and no part of the kingdem of England. 2. They affirmed a cafe reported by Kelw. Anno 14 H. S. to be lath, viz. Mich. 14 H. S. an office was found that Thomas Garl of Derby at the time of his death was feeled of the Affe of Man in fit; whereupon the Counteffe bis wife, by ber Councell, mabed to babe ber Dater in the Chancers : but it was refolbed by Brudnell, Brook, and Firzh. Juffices, and all the Bings Councell, that the office was met-To both, because the Mile of Man was no part of the Mealm of England, nog was gobesned by the law of this Land, but was like to Tourny in Normandy, or Galcoign in France, when they were in the Ming of Englands hands, which were mixely out of the power of the Chancery; which was the place to endow the midoto of the Bing, st. 2. It was refolbed by them that the fatute of W. 2. De donis conditionalibus, noz of 27 H. 8. of Wifes, noz the Catutes of 32 or 34 H. S. of Wille, nor any other general Aco Parliament did extend to the Ille of Man far the caute aforetaid, but by special name an Ad of Parliament magertend to it. 3. It was refolbed that freing no office could be found to entitle the Bing to the fasfeiture of treafon, that the Bing might grant by Commiffign under the Great Deal to feife the fame into the laings bands, oc. tobich being done and returned of Mecood is fufficient to being it into the mings feifin and polleffion , and into charge, ec. 4. That the ming might grant the fame under the Great Deal, because be cannot grant it in any other manner. And berewith agreet Dibers grants under the Ezeat Seal of this Ille, beiz. 4 Junii, 18 E. I. Rex E. I. congeffic Waltero de Huntercombe, &c. Rex E. 2. conceffit Petro de Gavefton, &c. 1 Maii, E. 2. Gilberto Magaskill, and in the fame pear grantes Hanrico de Bello monte Infulam pradictam cum omni Don inio & Justitia regali pro termino vita, &c. 5. It man refalbet that a fie fimple in this Ade palling by the Letters Barents to Dir John Stanley and his beirs, is defcendible to his beirs according to the course of the Common late . For the grant it fell by Lesters Patents is warranced by the Common law in this cate : and therefoge if there be no other impediment, the Affe in this cate Ball descend to the beirs general, and not to the beir mate; as the grand Seignidzies and Connots in Wales were impleadable at the Common law, but the lands bolden of them by the cultomes of Wales, oc. Which refelutions we have thought and to report, because they are the best directions that we have found, both in these, and for the like cases. amenda of te hR 311

Bot.Par. 2 Apr. 6. E. 40 .

*ADema,a Saxon word for a Judge, Giraldus: Sunt duo Judices in Infula Mannia (olim E wazia nuncup ta)qui de litibus ibidem emergentibus cog. aoscunt.

By thefe Letters Patents it appeareth, that Simon Montacure had intrince into and occupied the faid Me in noftri exharedationem, for which be was attathed to antwer the fame in the mings Bench at the fuit of the ming , but what proceded thereupon the get find not,

But noto let us come to their Laws, and Aurifoidion of this Ale, the libe whereof we find not in any place. Their Judges they call & Deemiters, which they male out of bemtelben. All contraberfien they determine without process, pleading, writing, or any marge or erpence at all. If any cafe be ambignous and of greater weight, it is referred to 12, which they call Claves Infula, the heyes of the Idand. They have Cozoners (quos Annuos vocant) who fupply the of

But albeit this be fo, get when this Ifte was in the Kings bands , if any injudice of injuries were sone to any of his fubjede there, the Ming might grant

& Committion for redrefte thereof : the like whereof we finde, Rot. Pat. Anno 20 E. s. in thele mozos; Rex dilectis & fidelibus fuis Nicholao de Segrave feniori, In the Margent, Osberto de Spaldington, & Johanni de Suthewell, Salutem. Sciatis quod affig. thus, De querelis navinus vos Justiciarios nostrosad querelas omnium & singulorum de Insula de, bunium Insula Man se conqueri volentium de quibuscunque transgressionibus, & injuriis eis per de Man audiend. quoscunque tam balivos & ministros nostros quam alios in pradicta Insula illatis audiend' & terminand', & ad plenam & calerem Institum partibus inde faciend' Nota, secundum secundum legem & consucerudinem partitum. Et ideo vobis mandamus, segem & consucerudinem partitum partibus inde faciend' Nota, secundum secundum legem & consucerudinem partitum illarum. Et ideo vobis mandamus, segem & consucerudinem partitum partitum partitum partitum secundum se nostro Infulæ prædicæ, quod ad certos, &c. in Infula prædicta venire fac, coram vobis tot & tales, &c. In cujus, &c. Tefte Rege apud Berewick, 15 die Julii.

Do as albeit the Rings buit runneth not into the Me of Man, pet the Rings Commillion extendeth thither for redrelle of injustice and wrong : but the Commissioners must proceed according to law and justice of the Ide. They have peculiat Latos og Cullomes ; fog example : Maman feal à Dogte og an Ore , it is no Felony, for the offender cannot * hive them, but if he feal a Capon or a *They have no Pigge he shall be banged, or. Apon the sale of a Porse or any contract for any other Woods, thing, they make the Cipulation perfect, per traditionem sipulæ. Nota, the true pertvation of Kipulation. And as they have peculiar Laws, to have they a proper

Language.

rigainago ·

This Me hath a Biftop intitutes by Gregory the Sourth Bifton of Rome, Epifcopus Soboand he is under the Archbifpop of York, but hath neither place nor voice in the renfis. Parliament of England. In hac Infula Judex Ecclefiafticus citat, definit, & infra Odo dies parent, aut carceri intruduntur.

The Inhabitants of this Afte are religious, industrious, and true people with-

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CAP. LXX.

Of the Isles of Jersey alias Gearsey, olim Cafarea, and Garnsey, olim Sarvia, and of the law and Jurisdiction of the same.

Jerfey hath 12. Parifics, Garnfey to.

Dth there Ales did of ancient time belong to the Dutche of Normandy: but when king H. 1. had overthrown his elder brother Robert Duke of Normandy, he bid unite to the Bingdome of England perpetually the Dutchy of Normandy together with thele Mes : and albeit king John loft the possession of Normandy, and ming H. 3. took money for it, pet the Inhabitants of thele Mes with great conflancy remained, and to to this day do remain true and faithful to the Crown of England; And the possessions of these Mands being parcel of the Dutchy of Normandy, are a good feifin for the ming of England of the whole Dutchy.

Concerning the Audicature and Cultomes of thefe Alles whereat we principally aim, it appeareth by the mings Records in the Tower, Quod Rex Johannes conflituit 12 Coronatores juratos ad Placita & Jura ad Coronam spectantia custodienda, & concessit pro securitate Infularum, quod Balivus de catero per visum Coronatorum poterat placitare fine brevi de nova diffeifina facta infra annum, de morte antecefforum infra annum, de dote similiter infra annum. And for the

most part thep proceed according to the Customes of Normandy.

Drugo Barentyne dicit quod 40. Ann. est tempus extra memoriam secundum

Coram rege Ror. confuetudinem partium illarum.

Bing E. 2. affignes Hen. de Guldeford and others, Juffices Errants in the Mes of Garnley and C. by his Commiffion to enquire if he bas right in the Ba. not of C. gc. and there it appeareth, that they demanded advicement of the men of the Mes learned in their cuftomes , who informed them of the cuftomes of the Mes, which the Juffices followed, and there it appeareth that if the information was against the laws of the Mes, they may be bolpen by the laws of the same. Dee the Book.

Quod in Custumis & aliis rebus tanquam indigenz & non alienigenz tractentur, &c. Quod juratores in Insula, &c. non protrahunt judicia sua ultra unius

anni fpacium.

An Acion of trespatte was brought by A. in the Kings Bench for a trespatte pone by B. in the Me of Jersey: whereupon in the Mecan this Entry was made. Et quia negotium prædictum in Curia hic terminari non potest, eo quod Juratores Infulæ præd. coram Justiciar, hic venire non possunt, nec de jure debent, nec aliqua negotia de Infula prædicta emergentia non debent terminari nisi secundum confuetudinem Infulæ prædictæ, Ideo totum recordum negotii mittatur in Cancellariam domini regis, ut inde fiat b commissio domini regis, cui vel quibus domino regi placuerit ad negotium prædictum in Infula prædicta audiend, & terminand. fecundum confuetudinem Infulæ prædicta.

By this it appeareth, that albeit the Bings wait runneth not into thefe Mes, Ifes of Serkand pet his Commiftion under the Breat feal both, but the Commiftioners muß

judge according to the Laws and Cultome of thele Ides.

De Attornato generali in Infulis de Gernsey, Jersey, d Serk & Aureney fac' virtute Brevis domini Regis. Rex omnibus Balivis & fidelibus suis in Insulis de were parcel alfo Gernsey, Jersey, Serk & Aureney ad quos, &c. Sciatis, &c. in quibuscunque curiis nostris Infularum earundem, &c. post adventum ipsius A, in Inful' prædict' si

Pafch. 17 E. 3. 67. Jerley. 2 E. 3. fo. 5.b. The Abbot of the Mount of

S.Mich cafe.

Rot.clauf. 9E.3. & 25 E. 3. Mich. 41 E. 3. Coram rege rot. 109. Jerley in placit, transgref. a Secundu conf. Infulæ præd. 6Mi 6H.8.172 b Kelw.totheBay liff and Jurares of Jersey Lib.7. fo.20, 11. in Calvins case. c Regift.fo.22. Aureny do ly be tween and neer the other, and of the Dutchy of

Normandy.

contingat ipfum A, interim venire ad parces illas. Tefte, &c. They are not bound Vid. 33 H.S. &.

by our Ads of Barliament, unleffe they be fpecially named.

The Bing bath granted to the men of the Mes of Gernley, Serk, and Aure- Ror. Par. 14R. s. ney, that they during the space of 8 years fall be fre of all manner of Loils, nu. 30. Cractions and Cuffoms within the Kealm as his Liegemen and Denigens.

Infulani petunt, quia funt in mari conflitui, quod non ulterius extra Infulas prædictas profequerentur ad corum periculum, & non facile pollunt fequi Curias For the Men of Jersey and Garnsey, the Mich & E. 3. coram Rege Rot. 46.
Pasch, Cy E. 2. Chrain Rege Ros. 69, 713 and 72 and 13 and 14 and 15 a

Bottichin Garnley there are ten Barilles, one Pather Lown being the Bott of Baben called D. Peters, Port by the Calle of Cornet. Jerley bath D. Albones and Hillary two little Mands abjacent, it bath twelbe Parifies, and four Cattles.

At is called the choir Anno, for that it being a folitery blace hady ment in terms parties, and made before the contract or being the contract or being the contract or being the contract or the contract of the contract or the contract or

Coord one Calle, one Church, and one Parid, and a fast Paben befendet

De Insula Vettis or Vetta, of the life of Wight to (2006) and the assect to Euch

If this we hall not need to lay any thing, because it is and eber bath be part of Hamfhire, and eber goberned by the Laws of England, as the other Dires babe ben : but feting mehabe named it, we will relate fome things which we habe oblerbed.
firft, there bath ben an ancient Baron, de Infula, of the Mie, og Lifle, and

of latter times there was a Wilcount of the fame, which is to be understood of the Mie of Wight : foz in the Barliament Kolls of E. 2. I find him called de

Decondly, Henry de Beauchamp Carl of Warwick for the fingular fabour which ming Henry the wift bare to bim , crowned bim ming of Wight: but the could neber find any Letters Patents of this creation, because (as fame doe beld) the Ring could not by late create him a Ring within his own Ringdom. because there cannot be two kings of the same place in one kingbom : And after the fame king named bim Primus Comes totius Angliz. But of this it is Canden. truly faid, Cum illo novus bic & infolicus titulus omnino evanuit.

De the Dratute of 4 H. 7. cap. 16. against taking of Farms within this Mile. and the power of Audicature giben thereby to the Captain of this Mile, or his

Lieutenant in a certain cale.

Farme Ifte.

elial to remain the to of ad land of LXXIII to the opinion of the

dunan Utaisen ar god on dan an malitaci io high tur go

Of the Island called Lindesfarne or Leidisfarne, scituate by the River Lied, having on the South Eaftward the Island of Farm and da a validate adjant die is called the Holy Illand, out willigh one sendil

I bath one Caffie, one Church, and one Parif, and a fafe Paben defended by a Block-boufe. At is called the Boly Mand, for that it being a folitary place baly men in times past retired them leibes wither for their better, and more debeut ferbice of God. At was of ancient time a Bishops test, which was after tran-Cated to Durefme, and is goberned by the law of England.

For that this alle of Farne path neither Church nor Lown, but anty a Cattle, I paffe it (and other like Affen) oben 1

fighis the field not need to levery thing, because it is end ober bard bord. pare of il ambig, and then governoone the Laws of England, as the seiner Opires bave been: bur fering we have named it, welvell relate . sadvalda edad aw diidege in eranio.

end dere baib ben an ancient Borce, de baldt, eftibe Affe, og lafte, and office a cine there was a Wiftonm of the fame, twick is to be underficed of res oft a wight : fogut the Borbenege golfs of h. 2. I find him called de

evide Beauchaugu Cast of Warnick for the flooding fewere which wing Menry the Sirt bare is him, crowned him king of Wighe: bus word nover find any Letters Paceurs of this creation, because find any hold) the Bing could not by law create bins a River within bis own Bingdom, because there cannot be thou kings of the lance place in one kingbom : And clter the fame Ring named bim Primus Comes toins Anglia. Bur of this it is Conten. truly (aid, Comillo novushic & infolicus unulus omnino evanuir.

Sie ihr Bratuie of 4 H. 7. cap. 16. againd iaving of Farms within this Ide. and the power of Rubicature given thereby to the Copinin of thio Ide, or bis Lieutenauft in a certain cale.

CAP. LXXIII.

Of the Forests, and the Jurisdiction of the Courts of the Forest.

De the word Foresta, lee Domesday in Glouc, & alibi.

for the derivation and description thereof, and some other things con. Domeld in Com. cerning the fame; fee the First part of the Inftitutes.

In Latin it is called Salcus of Sylva. And to in Domesday, Sylva eft in defens,

scilicet, in Foresta Regis,

A fazelt both confitt of 8. things, viz. of Soil, Cobert, Laws, Courts, 3nd Ockham cap. ges, Dificers, Bame, and certain Boutlos.

* Foresta est nomen collectivum, and by the grant thereof the foil, game, and a resta, Bracton

free Chale doth palle.

And fixing we are to treat of matters of game, and bunting; Let us (to the end we may proceed the more chearfully) recreate our felbes with the excellent description of Didoes Dot of the Forest wounded with a deadly arrow flicken in ber, and not impertment to our purpole.

Uritur infælix Dido, totaque vagatur Urbe furens, qualis conjecta Cerva fagitta, Quam procul incautam nemora inter Cressia fixit Paftor agens telis, liquitque volatile ferrum Infcius : illa fuga fylvas faltufque peragrat Dictaos, * haret lateri lethalis arundo.

And in another place using again the word [fylva] o describing a Forest, fairb Ibat in antiquam fylvam ftabula alta terarum.

thing John the 15 of June in the 18 year of his reign at Kummigimead, alias conscience in Kyme meade, between Scanes and Windfor, granted the like Charter, as Carra the falle and fude Foresta is,

And now let us let down the Courts of the Fozelt.

Mithin every Fozell there are these Courts.

I. The Court of the Attamments of the Modmote Court, this is to be fla cap. 16. hept before the Merderors every forty dayes throughout the year, and thereupon The Court of is called the forty day Court. At this Court the Foreflers bring in the Artach. Attachments. ments de Viridi & Venatione, and the prefentment thereof, and the Merderors do receive the fame, and inroll them, but this Court can only enquire, and not 1 8.3. cap. 8. coubid 3 but it is to be observed, that no man oughe to be attached by his body 7 R.a. cap. 4. for Mert of Menifon, unleffe be be taken with the manner within the Fozett, otherwife the Attachment mult be by bis gods.

2. The Court of Megard of Durbey of Dogs is holden ebery third year for

expeditation of lawing of Dogs by that Court.

3. The Court of * Swanimote is to be bolden befoze the Merderges as Dogs. Judges by the Sremard of the Swanimote thice in the year, and the Fozellers Care, de Forelt. ought to prefent their Attachments at the nert Stoanimore Court, and the cap. 8. Of Swa-Freeholders within the fozell are to appear at the Swanimote to make. Enguells and Juries. And this Court may inquire de superoneratione Foresta- E.3. ca 8. 70 riorum & aliorum ministrorum Foresta, & de corum oppressionibus populo no- Swanimete is ftro illatis. And this Court may not only enquire, but conbid alfo, but not gibe derived ofsweis,

Gloue. & alibi. 2 Mar. Dier 169 part of theinft. Quod RegisFofo. 131. & 316. Britten fo. 34. Flet.1. 2. C. 34,35 + r part of the Inft.fed. s.f.g.b. In the Saxons time Forests were called Walds,. under degrave, i. prapofitus Fo-Virgil. Sylva, as in Bomelday Saltus à faltando, quin ibi fer a faltant. Like to an evil rious Officer of the Forest if any fuch be. Carta de Fore-

Cart. de Foreft. cap. 6. The Court of the Lawing of

that is, Saxo Minister & Ma

or Gemote, which is, Curia, i. Curia Ministrorum Foreste, so called because it is but a preparative for the Justice S a Ordinat. Forefte, 34 E. I. cap. 4.

, F E. 3. fo.7.

* We will hereafter thew from whence thefe feveral names be duty of their feveral places.

See Domelday Warw. Si vero orum ti miuc-

refiz, 34 E. 1. b Regift 8. b. F.N.B. 67. c. e See the a part of the Inft. Mag. Carra cap. 29.

* Rot. Par. Anno E. 3. nu. Int. petitiones. d See the a part of the Inft. W. cap. 17. Bracton 1ib.3 fo.154. Flet lib. t c. s. FF.N.B. 67.2. Register 3 E. 3. cap. 8.

Regift. 80. b. 43E.3.30 2.8th.

Confuertid. & Affifa de Forefts. Vot.Mag. Cart.

flore !

"Nota, the enery es Prafentatum & convictumpee Viridar.

Foz the Jurisdiction of this Court I find a notable cafe in 45 E. 3. in a wait of trefpalle of faile imprisonment brought againft J. de W. The Defendant faid that be is forefter in fee of the Foreft, and that at a certain & wanimote it was prefented by the * Foreffers, Merderors, Regarders, and Agiffers, that the Plaintiff bad chaled and taken Der within the Foreff, whereupon the Defendant being Fozetter in fee came to the Plaintiff, and praged bim tofind pleages to anderived, and the fiver the land befoze the Justice in Gir in this Country (that is, at the Justice Deat) and that to doe the Plaintiff refused, by force whereof be retained bim, untill be had performed the flatute in that cale provided, and juftified the impriconment. The Plaintiff replied de fon tort demeine fans riel caufe, and the iffue was received by the Court. And it was faid that befoge the Inflice in Gire be thould have no aberment against the prefen ment of the foresters.

Dut of this case we do obserbe 6. conclusions. I. That the law of the #erell is allowed, and bounded by the Common laws of this Mealm, and therefore rek is allowed, and bounded by the Common laws of this means, and therefoze pet mare contra it is necessary, that the Audges hould know, and be learned in the same. 2. That vel quature part though the Merderozs be Audges of the Swanimate, and the Neward but a Pineis, religion. nister, yet the presentment in that Court is as well by them as Merderozs, as or librat denarible Account is an included by the Law of the Forest. by Fozellers, oz meyers, Megarders, and Agifters, by the Law of the Fozelt. Lhat a Fozefter og Betper may arreft any man that hills og chaferb any Det a Ordinatio Fo. within the Fozell when bein taken with the manner within the Fozelt, ozif the offenger be indicted. Butthen it is demanded, ' what if a man be fo imprifoned, after offer Auflicient pleages, and they are not taken , what remety for the party, feing there are bery feloom Jufice feats for Foretts bolden ? The answer is, that in the Lerm time be may have ex merito Jufitiz a Habeas Corpus out of the Rings Bench, og if be babe priviledge, out of the Court of Common pleas, og of the Erchequer, og out of the Chancery without any paiviledge either in the Term time, or out of the Lerm in time of Macation, and upon the return of the wett, be may be batled to appear at the next Gir to be bolden for the Foreft, sc. And map also be bailed by force of a * writ De homine replegiando directed Custod. Forefla, dif be be arrefted by the Difficers of the Fozelt foz bunting, ec. whereof be ftands indicted og prefented taken with the manner, be finding 12 pledges : but if be be adjudged by the Julices in Gire, and imprifened, be cannot be bailed by that buit De homine replegiand, directed Custodi Foresta, &c. and if be be unjustly proceed withall there be bath remedy by faw, as bereafter, when we treat of the Julice Beat, thall be declared. And it is to be oblet bed, that there is la diversity between the wait De homine replegiando directed to the Sheriff, for be is reftrained by the flatute of W. r. cap. 15: to repleby any man impgifoned fog the Fogett, being taken with the monner og Indired, but this flatute extends not to the west De bomine replegiand, birered Custodi Forefta, &c.

The Fourth conclusion is, that the offender may be retained by bim untill be bath found pleoges to appear befoge the Buffice in Gire, becaute (as bath ben faid) the Court of the Divanimote bath no power of Audicature, but if be offer lutticient fureties, he ought not to be imprisoned.

5. That this Juftice in Cire at his Dellions may by the law of the Fozett yzo. cito upon the prefentments or beroids in the Court of the Stoammore, though they be taken in another Court, as the Juffices in Cire miest babe done in like

cales, as befoze in the Chapter of Julices in Gire appeareth. 6. Laftip, Note the iffue joyned upon the plea of the Fogetter, viz. de injuria

fua propria absque cali canfa, and allowed by the Court, and the confequent thereupon. And thus much for the cafe the Reporter fairb, that it was faid that the party hould * not traberte the pretentment of the Foreffers, Werberozs, Megarders, and Agifters: f and berewith agrich 50 E. 3. and note the prefent. from 3. Affices ment bons in that sale by 36. And berein this diberary is to be observed, that rdinar. Forost. If at the Swanimote the prefentment of the Foresters be found true by the memens by Jury concerning Wert of Menifon, the offender flandeth thereof conbid in law, and cannot traberte the fame : but an indidment og prefentment before the Chief Juffice of the Fogeff at a Court of the Juffice Deat by a Jury, and not at E. 3. 48. found in the Stoanimote, may be traberfed. 8 E. 3. Itinere Pickering 147.4. becaute

it is not prefented but by one Jury.

4 This cale also gibeth just occasion to speak of the Court of the Justice Deat The Justice bolden before the Chief Buftice of the Foren, aprly called in the laid Bak Ju- Scat. fice in Gire, for fo be is, and bath authority and jurisdiction to bear g determine concerning Mertand Menifon, oc. by force of Letters Batents under the Great Deal, whereof there be two, one for the Forest on this side of Trent, the other bepond. By which Letters Batents the Bing doth grant unto bim Officium Gardiaani Capitalis Julticiarii ac Julticiarii fui Itinerantis omnium & fingularum Forestarū, Parcorum, Chacearū, & Warennarum fuarum cum fuis pertinen, quibufcung; *ultra Trentam existen, &c. Dantes & concedentes eidem A. B. plenam autho- . The like office ritatem & potestatem tenore prædictarum Literarum Patentium omnia & omni - Citra Trentam. moda Placita, querelas, & caufa Forestarum, Parcorum, Chacearum, & Warren- mustis musas-narum prædict, tam de Viridi gram quam de Venatione, ac de alis causis qui dis. Note, ancia buscunque infra easdem Forestas, a Parcos, Chaceas & Warennas evenien, sive ently this great emergen, audiend. & determinand. Habend, occupand, gaudend, & exercend, ated by Wriz, as offic. præd, cum pertin, per fe vel per fufficien, b deputatum fuum five deputatos other juftices in fuos fuffic, durante vita ipfins A. B. &c.

os fuffic, durante vita iplius A. B. &c. And this Court of the Juffice Deat cannot be kept oftner then every third year, now by the flat. And this Court of the Juffice Deat cannot be kept oftner then every third year, of 27 H. S. c. 24. and other Juffices in Gire bept their Courts eberp lebi neb year. And (as be' he is to be creafoze other Juffices in Gire) it muft be fummoned fogry dayes at the lead befoge the red by Let. Par. fitting thereof : and one with of fummons is to be directed to the Sheriff of the See before Cap.

County, which wait you hall find bereafter in this Chapter.

There is another wit of Summons directed Cuftodi Forefte domini Regis a This is to be vel ejus locum tenenti in eadem, and this weit confideth upon the parts. Fird, Parks, Chales, & to fummon all the Officers of the Forest, and that they bring with them all Me. Warrens within cords, ec. Secondly, all persons which claim any Liverties of Franchises with the Forests, as in the Forett, gc. and to them both they claim the fame. And this Court of hereafter hall Auftice Deat bath jurisdiction to enquire , bear , and Determine two things. b That is, by the 1. All trefpaffes wirbin the forest according to the lates of the Forests. 2. All Ratuce of 32 H. the claims of Franchites, Priviledges and Liberties within the Forett, as to 8. cap. 35. have Parks, Marrens, Mibaries, to be quit of afferts, and purpreffures, to cur c Cart deforeft. bown his own woods wirhout view of the Fozeller, ec. Likewife claims of al H.7.30. Lets, Bundzeds, Felons goos, Maifs, Strays, Sugitibes, and to hill Bares and other Beatts of Chafe within the Forest, or to have a cound infra meras Foreftz, & extra regardum Foreftz, that is to be out of furisbitish of the Foreft, and other Franchifes , Priviledges, Liberties, Immunities, Fradomes, gc. within the Fozett, whereof you hall read excellent matter in the Gire of Pickesing in 8 E. 3. Rot. 3. 1. tobere Guilberd of Acton claimed bis Woods extra regardum Foresta, &c.

This Chief Juftice may by the flatute of 32 H. 8, make bis Deputy (Pet all 32H.8.cap.35. the write of Summons ancient and late are Coram (the Inflice Itinerant) aut

ejus Deputato.)

Before any Juffice Beat be bolben, the " Megarbers of the Foreff muft make their regard by force of the Kings Wit, and the regard is obambulare, to goe 'A regarder is through and victor the whole Forest, and every Bailywich of the fame, ad viden-derived of the french ward requirements, imbreviandum & certificandum all the trespasses in the Forest word Requirements. refl: die office errendeth through the whole North, and every part thereof, to to view, or fice, inquire of all offences concerning Mert and Mention, and of all concealments because he canof any effences of defaults of the Forefters, and all other Micers of the latings not prefeat any forest. He is a ministerial Officer, and is conflicted either by Letters has thing but upon his own fight rents of the bing, of by the Chief Julice at the Julice Seat, of to be holen by and view. To witter the Sheriff. The duty of this Officer appeareth by the writ becenter speak once for mentioned.

Befoge a Inflice Seat there bught to be preparations for the fame, to the all the Officers from the highest to the lowest, pur them in mind of their dury : Conveniunt rebus nomina fape fuis : Nomina funt not a rerum.

Eire were but Justices in Bire.

all, the names of

end that good ferbice may be bone there , & quod Itinera non fint umbratilia,

as taking one og two Eramples in fread of maup.

Breve de Regardo cum artic. aForeft. deSherwood, i.Limpida Sylva b Cart.de Foreft. cap. 7 inferius. In this writ 9. things are to be observed.

Rex Vic. Not, falutem. Præcipimus ibi quod Venire fac, certis die & loco quos ed hoc duxerimus providend; omnes Foreitarios & Regardatores de a Sherwood ad regard fac.end. in Forest, prædict, ante advent, Justiciariorum nostrorum de Foreft. ' & loco regardatorum nostrorum qui mortui funt & infirmi alios eligi fac, ita " quod b 12 fint in quolibet Regard. & nomina illorum imbrevientur. Et Forestar, debent jurare quod 12 milites ducent per totam ballivam suam, c 13 Capit. pat. ad videndum omnes transgressiones que exprimuntur in 5 scriptis capitulorum que tibi mittimus, & hoc non omittent pro aliqua re : 6 Debent etiam milites jurare quod facient regard, ficut debet fier & folet. 'Et quod bunt ficut Foreitar. eos ducent, ad præd. eta videnda. * Et fi Foreitar, noluerint eos ducere, vel aliquid forisfact, concelare voluerint, ipfi milites non omittent pro illis quin forisfact. illud videant & imbreviari faciant : & hoc pro nulla re dimittant. Et quod Regard, fiat circa Fest, beati Petri ad Vincula prox. futur, Teffe, &c.

The 12. Chapters abovementioned are thefe which the Regarders dury is to prepare.

Nora, all thefe It. are to be upon his view, super visum, and in this respect may be

refembled to a Coroner,

super visum al.

- 1 Videnda funt omnia Affarta, &c. Affarts.
- 2 Vidende funt omnes Purpreit, in bolcis, &c. Purpzeffures in hodg.
- 3 Videndæ funt omnes Purpreft, in terris arabil.&c. in Arable.
- 4 Vidend, funt omnia Vafta bofcorum, &c. Waft of Wimbs.
- Vidend, funt omnes Bosci domini Regis, &c. The Mings Wicobs.
- 6 Vidend, funt omnes Haiz domini regis, &c. The Bedges of the Ling. 7 Item Omnes purpreftur. & omnia affarta, & omnia vafta, &c. General
- toozos.
- 8 Vtdend, funt omnes Aerez Aufturcorum, Espervorum, Falconum, &c. Aperies of Baulks.
- 9. Vidend, funt omnes Forga & Mineria, &c. All Forges and Wines.
- 10 Vidend. funt Portus maris, &c. The Babens of the Sea.
- 11 Vidend. eft Mel, fi quid, &c. Donp.

12 Item milites debent attenté inquirere in itinere fuo quis habuerit arcus & fagitt. vel baliscas leporarias, burchetas, vel aliquid ingenium ad malefaciend. domino regi de feris fuis. Balilta, oz Arcubalifta, figniffeth a Crosbow.

Leporaria, a barepipe. Burcheta of the French wood Berche, a kinde of Gunne.

Ordinatio Fore-

fte, 34 E. 1.

Imprimis ordinavimus pro nobis & haredibus nostris quod de transgres. in Foreltis nostris de Viridi & de Venatione de catero fact. Forestar, infra quorum ballivas hujufmodi tranfgres, fieri contigerint, przfentant ealdem ad prox. Swannimotum coram Forestar. Viridar. Regardator. Agistator. & aliis earundem Fo restarum ministris. Et super præsentationibus hujusmodi ibidem coram Forestar. Viridar, & omnibus aliis ministris supradictis per sacram, tam militum quam aliorum proberum & legalium hominum de partis vicinioribus, ubi transgreffiones fic præsentatæ fact, fuer. non suspectorum, per quos rei veritas plenius inquirator. Et sic inquisita veritate præsentationes illæ per communem concordiam & assenfum ministrorum prædictorum roborentur & sigillis suis sigillentur. Et si alio modo fuit indictament, pro null, penitus habeatur.

This Dedinance being made by the King onely without Authority of Parliament, albeit it was in affirmance of the Law, did not binde, and therefore was not executed : and that it was but an Dedinance, og Declaration made by Ring E. 1. It appeareth erpzelly by the flatute of 1 E. 3. and by that Ad of 1 E. 3. the lato Declaration is rehearted as a law, the observation whereof is also an creek-

lent preparation for a Juftice Deat.

Viridarius is a Judicial Officer of the Fozell, and molen in full County by force of the Bings weit. Dis office is to obserbe and her the Allifes of Lawes of the fozelf, and to biew, receive, and inroll the Attachments and prefentments of all manner of trefpaffes of the fozen of Wert and Wention, o to do equal right and fuffice as well to pogas to rich. All this and much moze you may read in

1 E. 3.c. 8.ftat. 1. F.N.B. 164. Vividarius à viridis Vert, or Green-hue, for that his office principally concerneth to look to the Vert or Grene, & to fce it be maintainthe Dath liphich be taketh befoze the Oberiff. There be most commonly four

Meiverogs in every of the Kings Fazelly.

Agiffavor, to called, because he taketh benkuta agiffment, that is, to departure Agiffavorit within the Fazell, of to sied upon the pawnage, and commeth of the French Count & Assistant word, Goyler, to the, because the beatly that sied there are there lebent and coursell, whitepper. chant, lying and rifing. And bis office confifteth in agiftando, recipiendo, imbreviando, & certificando,

And this Officer is conflituted by the Bings Letters Patents, and of thele

insich Fazelle where there is any patonage, there besons in number.

Gruntii, (of whom you hall read in Fazell Merayds) is deribed from the Grnarii, French word Gruyer, touch figuiserd generally the principall Officers of the Forest. Beipsi Gruntii vocantur ad similitudinem corum qui Aucupio Regis in See the Out.

es olim przerant.

Forestarius is taken for a Mindward not only of the ming within his Regell, CForestaring. pet en vi cermini of aug lubjen of die Wimbs inherefoeber they lye: inhich ap Bracton lib. 4. peareth by a Witt in Bracton in these motors. Rex Vic. falut. Scias quod prop fo. 316 a. & b. cer destructionem que facta est in bosco & cerra quam A. de N. tenst in dotem in & 231 a. tell ville de B. de N. Provifom elt in Curla noftre coraty Jufticiariis noftris, quod idem opponer Forefterium foum ad prædictum bofeum cultodiend, ita quod prædid. A non habest in sodem bolco nisi rationabile estoverium sunm ad ardendum & claudendum tantum fuper eandem terram quam ipfe senerio codem, &c. 1. Epathe fhall be toyal and true to the Maller alithe Angel. 2. Aber be fhat erriy mais and hier the Office of the Foresterling, and true match make bot errly took and her the Office of the Forekenting, and true motor move vary early and late both of Alert and Alentinu.

3. Ludy attach and true preferment.

make of all mainter of troposite being tooks frozell to his knowledge, and the fellows, and his oton, be that truly here.

Lee Kinga countell, his fellows, and his oton, be that truly here.

3. The Kinga countell, his fellows, and the history of the Kinga countell, his fellows, and his oton, be that truly here, and concentrates make for me labour, where of deem, but not be those history thereon.

3. The Kinga countell, his fellows, and the forest that his fellows, and his fellows, and his first the history of the forest.

4. Message of the forest that his fellows, and his history of the forest that his fellows is a Constant of the forest that his fellows is a Constant of the forest that his fellows is a Constant of the first his fellows in the first his fellows in the first his fellows in the first him forest that his fellows is a Constant of the first him forest the first him forest that his first him forest than his fellows in the first him forest the first him forest than him forest the first him forest than him forest than

Theftylis & rapido feffis melloribus eftu

ait d'Affin Serpyllumque berbes consudic cleates. The Entranside and the series

Surcharge of the Forest, 3 Superoneratio Foresta, is toben a Comer in the Fozell pufteth all most Bente then be aught, and is lurchargeth logell. At is taken from the Might De fecuada superonerations pallure in the Fixed. It is taken from the Whit De secunda superonectatione passure in 226 a.c. &c. Surthe fame sente when the Community surpargeth. Where it is said (tempore cocharge.

ropationis Regis Henrici avi. that is, of H. 2.) It is to be another the twas crosshay. Carrens,
ned twice, viz. the 20 of December in the first year. he caused his towns Henry
to be crossore hings the 15 of June in the 16 year of his reigns, Henry his son
third the 11 of June in the 28 year of his reigns, after whom beautifully said.

Esta Empresse has crossored again.

Pitz Empreffe meis crotimen again.

C Defertum, id quod eb hominibus deferitur; & feris relinquitur; 2 de la Domelley.
C Mellera perrer, fune in effdem malturis des domus plus quam anna fuscunt. Miss Sulfer. Cie

Milars terre, fant in eridem institute 60 donnes plus quam ante facture. Mas de terre, that is, an eridange of land under these is an boute.

E Fugacia Agniticità a Chafe, and is all one tout. Chafes, that the Chartest of Cara Macildis Mawde the Chartest of Milars of Hereford, wherein touries the can full loni de Glocell. It we that the tracking him thereby Carl of Hereford, wherein touries the can full loni de Glocell. It we that the properties de fugacies, interested and his care at quiete in bofeo defolano, in forcellis de fugacies, interested a patture, acc. Pleateness untern concedo ut in properties befugacies, interested at an in agriculation in fylvis excitet agreed; ferses meas antemnet venetur, its prince tuint in locus quaes privil.

Elicitat agricult. But it would be part the first that the late that the first facts the first facts and the late agree of the stall post.

The Highead. But it would be that there have that the part in the wayes of the stall post.

Norm.

b Affif. & confuet.foreft. 6 E. 1. C.16. Virgil. Regift &F.N.B.

Domesday. Chent, Certh. pascus fylvar. bestiarum Devonfceire. Winchelere, Hertfordscire. Belin-Affif. foreft. 6 E. 1. cap. 1.

Ibid. 8 E.3. leinere P.cker. Gailbert of Adons cafe.

Cot Beatle

10.325 Ib. Artic. 3 . 30 Spatium octo palmarum in longitudine. 16 R.z. m. 30.

Scire fac. Nichol. Gowers Vid. Reg. 263 b.

March remb Ch

to all like to

: florest 15

Tohanner & office

Wa from tile 36

Deerfald. Falda Saxons, which were called Deorfald of the Saxon weeds; of Deor to: Deer and Fald, for a place enclosed with pale, bedge, or wall. And in the Bon of Mometony often mention to made by expelle name de Parcis. Parcus beftiarum, Parcus (ylvaticus bestiarum.

Haia taken for Parcus of the French mogo Heye for an inclofusz, Rot. Inquifit, veite ald one

36 E. 3. in Scacc, de foreft.

Haia de Kingestie in Hamshire.

Hulmus, & Infula an Me: C Bercaria, Vid I part, Inflit, Sed. 1. C.Maftivus mutularus is a Maftiff expedicated og lamed, and not muffed : fog no Dog by the law of the Sozett aught to be mulled. Mutulatus commeth of the Werb Demutulo, i demembro. Bffa, i Cerva, of the French moze Biche for a Dino. C Mureleges, à legendo mures, of getting of Dice, a Milbe Cat. Teffones of the French moto Teffon, for a Grap, Brock, at Babger. @ Befonus of Bifon a French mozn for a wild Dre.

Ham, Sasonice domus, beme, fomerime Villa, an Mileham olim Mildham, ात पूर्व क्षेत्र

because the air was mild and temperate.

Hue and Cry, Hutenum & Clamor, the one being an exposition of the other, Camia continet each of them agnifying erging and houting; verba dolentis. And Hue is beriben of the French word buier and crier. But Due and Cry by the Hogel lato is not to be made for trespalle in Wett, but in Wentfonionly. This Buc and Cry Dorfi clauf. An. cannot be purfued but only within the bounds of the Fazell, and the offence mult be committee within the Fogel, and not within the purlied. And this Due and Cry may be mabe by any bithe Mings Menifers of the Hozelt, for any of them map acreff the malefactor, and none can make Due and Cry but be that may arreft in that cate, and cannot, And to are the general words. Si quis viderity &c. 2. Erulp attent tab : cood isonu od ot cally and larg both of Wert and Clenifon.

S. quis viderit, &c. If any Counthip og Willage folloto not the Que and Cry,

then fall beramerced at the Juftice Deatlied and to migdel ad mid ich elleit

Cahen with the Mayneer, a Manu is in 4 hinds, viz Dog Deato, that is, dawing after a Der which be bath burt. Dtable-fangerin, at bis fanding Brackl. 3. 6.32. to Goot og courte. * Back-bear, that in carrying away the Dier which be hilled. Bloody band, that is when be bath fot of courted, and is imbrued with blood

But what if injuftice be bone at the Juffice Deat? Fozeramplean if aclaim be made of any liberry at a Austice Deat, and is there allowed, what remedy bath the party griebes in this case ! which I do the tarkes made of the because I firm not this bount refolded in any of the readings upon this flatute of Carcade Foresta, or in any that bake written of the Forest laws. And I sind this question refolds E. 3. 48 a. In bed by a notable Book case in a E. 3. agreeable with the Register and other Spire (ac. Books where the case was this. A. de B. before the Institutes of the Forest of Vid. 25 E. 3.643. Pickering claimed to bake within the Build of E. within the tame Forest a elaim tous allotted by the faid Julices , where in truth the fair claim was falle to the differior of the Commoners theras for that the Commoners with Breve de inqui- falle to the differilon of the Commoners thera to that the Commoners with rends de libere- in the fait Labor of B. bed the choice of the fait Modward, and all the bundfalls chur allocatie for their reasonable Ellobers an belonging to their frebold. Therempon on the thus allocative for their reasonable Estobers as belonging to their frethold. Thereupon on the behalf of the Commoners the Record before the Austices of the Forest was remained by Corriorari, (which in the forest lam is called a Venire facias Record) into the Kings Bench (which Court is above all stress) and two of the Commissionaria, viz. Robert de Scarburgh, and Robert Wich such out a Scire fac, upon the laid Record against the said of the Commoners had the liberties of orefer to others, as to those two missionaries, that the grievance is as well supposed to others, as to those two which in the plaintiffs in the Seire fac. These two that mould complain might waintain the street was to others, set those two that would complain might waintain the street was to others, set these two that mould complain might waintain the street was to others, set these two that mould complain might waintain the street was to others, set these two that mould complain might waintain mbinnite. And if the others he of Mecord with A. & B. pet thele imangay file, and their two minte babe jarned in Affifi, And there if in bolden, that if a most enox:2

he granted to a comminalty out of the Fozeft, the claim ought to be made by them all, but otherwise it is within the Fazett, where every one that have his Acion by himself so that which belongs to him; and in the end the Writ was adjudged to be good. But in this case somewhat is implied, so by the law of the Fozett, when a claim is made of any liberty within the Fozett, although no issue be somew thereupon, yet the entry is, Ecquia videtur Justiciariis quod expediens & neceffe ad inquirendum super præmissis rei veritatem antequam ad allocationem elamei prædicti procedatur, inquiratur inde veritas per ministros ejustem 4 8 E.3. Itinère forefix: and cometime cam per ministros forefix quam per alios liberos & legade Picker. Henry de Percyes cafe, les homines, at the different of the Justices for the advancement of truth, and which depended accordingly the Foresters, Merderors, Regarders, and Agisters do enquire in advisement thereof. Allo if a claim be made before the Autites of the Forest, whereupon for difficulty 4. there groweth disticulty, or if a bemurrer in law be thereupon joyned, the Austi-years before R. ces may adjourn the same into the Bings Bench to be there adjudged, and then other Judices of the Chites is. Idea quond clament needless are a good ludicistication. the Entry is, Ideo quoad clameum pradict' pro eo quod Jufticiarit pradict' non- the Foreft. dum advisantur de judicio inde reddendo, datus est dies eidem H. coram Domino Venire fac. Rege (in tali retorn.) ubicunque, &c. de audiendo inde judicium, &c. Et dictum Record.
eidem H. quod interim sequatur brev. de Venire fac. inde recordium, &c. Postea * A Certiorari
Dominus Rex mandavit præsat, Justic. brev. suum in hæc verba. * Edw. Dei gratia before judgment
Rex Anglia, &c. Dilecto & sideli suo Rico, de Willowbye salurem. Cum vos out of the Chan-& socil vestri Justiciarii nostri ad placita foresta, &c. tenend. affignat. quoddam cery teturn di niclameum de diversis libertatibus per dilectum & sidelem nostrum H. de Percye to the Kings coram vobis & sociis vestris prædictis in eadem fore st. fact. propter quassam dife to R.de Willowficultates in codem clameo content. coram nobis adjornaveritis, ut accepimus, Vo- bie (being the bis mandamus quod fi ita eft, tunc omnia clames prædicte nec non records & ancient primary process, inde coram vobis habita coram nobis ubicunque fuerimus in Anglia sub Judge) only, besignilo vestro sine dilatione mittatis juxta adjornamentum prædictum hoc brev, cause he onely
nobis remittentes. Teste are Anno 12 F. nobis remittentes, Teste, &c. Anno 12 E. 3.
Victure cujus Brevis clameum prædict, nec non recordum & process, prædict,

mittuntur coram Rege ad diem prædict. una cum brevi prædicto.

Pofice Dominus Rex mandavit præfato R. de W. quoddam aliud brev.clauf. in hac verba. Edw. &c. dilecto & fideli R. de W. Salutem. Cum vos & focii veftri Iusticiarii nostri ad placita forest. in forest. H. com. Lanc, de Bek, in com. Eborum tenend. affign. quædam clam. de diversis libertatibus per dilectum & fidelem no-firum H, de Percye coram vobis & sociis vestris prædict, in eadem forest, habend. fact, propter qualdam difficultat, in eildem clameis interveniend, coram nobis adjornaveritis, & quadam alia clamea fua fimiliter ibidem de quibufdam aliis fibertatibus fact, allocaveritis, proutaccepimus; Nos volentes tam inper dictas libertates fic adjornat, quam fup. al, allocat, certis de capis certiorari, vobis mandamus quod fi its eft, tunc omnia clames præd, nec non record, & process. inde coram vobis, & fociis vestris pradict, habit, coram nobis ubicunque fuerimus in Anglia sub sigillo vestro sine dilatione mittatis, & hoc breve, ut hiis inspectis ulterius fieri faciemus, quod de jure fore viderimus faciend. T. E. Duce Cornub. Com. Cestriz filio nostro charissimo Custod. Angl. apud Berkhamsteed Primo die Februarii anno regni nostri 13. Virtute cu jus brevis clam, przd. tam adjornat, quam allocat, mittuntur coram Rege una cum brevi przdict. &c.

By all which cales the former quellion is refolved, which cale and confequents

thereupon is watthe of ferious confideration.

Nicholas Gower was indiced for that he billed the Bings Game in the Bings 25 E. 3.43. Forett, when he was the mings Steward of the lame, and alla had taken confome for Indiaments, which Indiaments were removed coram Rege, and the Memard beas put to aufmer thereunto.

of the Records.

Dblerbe

27 E. t. coram Rege Rot. 13. Wigorn. Note the Writ the Foreft retorn' into the Kings Bench: Breve Justiciarii forefia. Versus Godfridum Epifc. w gorn. Ad fine faciend. pro tranfgreff. venationis in fo

Hugo le Despencer Justic. Forest, citra Trentam mandavit quoddam Breve fuum Vic. Wigorn, retorn, coram Domino Rege in craftino Saneli Fohannis Baptifta prox. praterito, &c. in hac werba. Hugo le Defpenfer fuftic. Foreft. of the Justice of citra Trentam Vic. Wigorn, Salutem. Mandamus vobis qued diftring. Godfridum Episcopum Wigorn, per omnes terras et catalla sua in balliva vestra, ita quod nec ipfe, nec aliquis per eum ad ea manum apponat, donec aliud à Domino Rege feu à nobis inde babueritis in mandatis. Et quod de exitibus coram Domino Regerespondeatis, et quod babeatis corpus ejus coram Domino Rege in festo Sancts Fohannis Baptista ubicunque tunc fuerit in Anglia, ad finem faciend, pro transgressione venationis per ipsum facta in foresta de Windesore sicut per legalem inquisitionem secundum Asisam foresta coram nobis apud Windelore resta de Winde- captam plenius nobis constat. Et unde eidem Episcopo per literas nostras ex parte Domini Regis ali as mandavimus, quod pro fine suo inde faciendo veniret coram nobis apud London, ita qued effet ibi in crastino Sancta Trinitatis prox. praterito vel sufficientem Attornatum suum ibidem mitteret suam plenam potestatem in hac parte habentem : qui ad diem illum coram nobis non venit , nec Atternatum in hac parte misit sicut ei ex parte Domini Regis mandatum fuit; Et habeatis ibi hoc Breve, Dat, apud Lugtheburghe die Fovis in Octab. Afcensionis Domini Anno rogni Regis Edwardi vicesimo fexto. quem diem Vic. nibil inde fecit, sed mandavit quod praceperat tallivis libertatis ejufdem Episcopi de Ofewoldeftowe qui nihil inde fecerunt. Per quod praceptum fuit eidem Vic. quod non omitteret propter pradictam libertatem, quin distring, pradictum Episcopum per omnes terras, &c. Et quod de exitibus, Gc. Et quod haberet corpus eins coram Rege in Octabis Sancti Michaelis, ubicunque, G'c. ad finem faciend. G'c. cum Domino Rege pro transerest. pradict. &c. Et similiter quia procedi non potuit ad finem capiend, de prad. P.occdi non po Episcopo, Gc. fine record. predicti Hugonis Justic. Ge. de transgress, prad. tuit ad fine cap. fine recordo, &c Ge. Mandatum fuit eidem Hugoni Fuftic, Ge, quod recordum inde coram A Cernorari to co babitum regi mitteret ad prafatum Terminum cum omnibus recordum illud tangentibus. Et Vic, nullum breve retornavit coram Rege ad prafat, Terminum Sancti Michaelis: nec pradictus Hugo Fustic, &c. aliqued recordum mifit, &c. propter quad, ficut print pracept, fuit Vic. quad non ommitteret propter predictam libertatem, quin diftring, predictum Episcopum per omnes terras, &c. Et quod de exitibus, &c. Et quod baberet corpus ejus coram Rege in Octabis Sancti Hilarii ubicunque, &c. ad finem faciend, in forma pradiet. &c. Et Vic. retorn, breve, fed pradictus Hugo Juftic, nullum recordum misit. Et super hoc venit quidam Aluredus de Northerave pro pradicto Episcope, et dieit quod prafatus Hugo Justic. &c. diftringit pred. Episcopum per diver a brevia fina in Com. Wigorn, et Glouc, ad finem faciend. coram ipfo. de eadem tranfer, et nibilominus paratus eft fatisfacere Domino Regi pro pra-Episcopus paraous ell satisfacere dicto Episcopo de predict. transgreß. secundum recordum predicti Hugonis, et fecundum quod Cur. regis confideraverit, &c. Et quia dictus Hugo Fuftic. nullum recordum mifit per qued procedi poteft ad finem capiend, de pradicto Epi-Ideo quoad pradictum Episcopum cessat diftr. usque à die Pascha in unum mensem abicunque, &c. Et dictum eft pradicte Aluredo quod tunc si ili ad finem faciend, pro praditto Episcopo, vel qued babeat Warrantum de pradicto Hugone Justic, quod finem fecit vel finem facere debeat coram pradide Hugone fuftic. &c. de transgressione pradict. &c. Et nibilominus mandatum eft prafato Hugoni fuftis. &c. quod Venire fac. recordum pradictum, nt pradictum eft, coram Rege prafatum terminum , &c.

the Juftice of the Forest for

the Record.

Diferbe well the parts of this Mecozo, and a ready way to bely the Ming to bis

fines after the Bire of the Fozelt be enbeb.

On the other five it is bemaubed, what if a man make a full and lawfull claim "Regill. 162. and to certain liberties at the Juffice Deat, and cannot obtain the fame to be allowed F.N.B. 229.b. & ty the Audices of the Rozell, what remedy for him that maketh fuch claim : 330.a. & Inc. Thereunto the answer is, that he shall have a writ De libertatibus allocandis, Scaccar.deanno pireded to the Juffices of the Fozell, which wait both appear in the Register.

And any person that is to make any claim may the first day of the Cire either make it in person of by Atturney, F. N. B. 26. g. And he that appears upon a dis, & vide L. presentment of indiament taken before the Audices in Eire, and traberseth the 48. Indiament, may after annear by Atturney. Se befoge Cap. Juffices in Gire the a 8 B. 3. leinere

mit in the Regist. 19. a. W. 2. cap. 10.

And the entry is, A. B. po: lo: suo T. B. vel L. N. de omnibus placitis seu querelis motis seu movendis, & ad omnes libertates calumniand, prosequend. & defendend, durante Itinere ifto : bereby it appeareth in what generality an At- Rocela, Reg.

furney may be made.

and this agreeth with the Megiller, fo. 19. b. by 5. binds of Mitits which are c Regist 19.8. mosthy of observation, viz. Breve de clameo admittend, in itinere per Attornatum primo die itineris, &c. * De libertatibus exigendis in Itinere : * De Attornat, in omnibus placitis & querelis in itinere, & ad libertates calumniandas : * Aliter in omnibus placitis & querelis in itinere juxta formam flat. de Merton cap. 10. Glonc. cap. 8. & W. 2. cap. 10. Aliter de Attornatis, &c.

And thele wirits are to be granted ex merico Justicia, without any benyal. well to the Jultices in Cire of the Fozell, as other Julices in Gire foz the somit-

ting of Atturntes. Vid. 2. part of the Institutes W. 2. cap. to.
And upon tearch made I find the like weit beginning, Omnibus Balivis & fidelibus fuis, &c. in the Gire of Pickering, 19. b. for the Briog of St. Johns of Jerufalem to make an Atturney before the Juftices of the Foreit.

But what if the Autice in Gire give an erroneous judgement, ec. what remedy 2 E.3. fo. 29. bath the party grieved ? De may have a writ of Error out of the Chancery retur-

nable into the Bings Bench, and there Jultice fall be done.

If a man make his claim by grant og prefectiption, and be og his Councel miltaketh his right title in some material point, to as the claim is found against him, it is good for him that his true title be found by the lame verbid specially, for then may the party by petition make a fine and peay licence to make a new claim, and thereunto be ought to be abmitteb.

And concerning claims it is specially to be observed, that by the Fozelt law a grant made of a priviledge within the Fozek to all the Inhabitants being Free, fo. 22. bolders within the Fozelt og fuch other Comminallies not incorpozated, is good. Itin. Lang to 4.

If a man make a falle claim by claiming moze than be ought, he thall be fined Pick fo. 15. for his falle claim, but that which he sught to have thall not be feifed : As the Lanc. f. 64. Prior of York claimes by Charter to have Lithe of all Menison, cam in carne quam in corio, where he ought to have it in corio, for which he was fined and enjoyed it in carne.

In the Circ of Pickering bolben befoze Richard, de Willowby, Robert de Hungerford and John de Hambury Juffices in Gire for the Foreft of Pickering, Anno 8 E. 3. a claim was made by Thomas de Pickering and Margaret his totte, viz. Pickerings cafe; Habere in dominico bosco suo de Locton Woodwardum ad cultodiendum Boscum foum, & quod nullus in co amputet aut proftrare faciat arborem aliquim fine voluntate fuz, & quod ipfi in bolco fuo pollunt profitare & dare pro voluntate fus arbores virides & ficcas, & dare & vendere arbores spas pro voluntate sua fine visus Forestariorum, &c., and prestribed in the same in the right of the said Coram Edw Sam-Margarer, where this prestriction was enquired of and allowed to be good in ders Copical Bar. said, but it was sound, as to the taking of the trees without the view of the Rozer et dies Baronibus Cer, to be untrue.

The like prefeription made by Sellinger to take and cut natural Limber trees of the report of in his sum Woods within the Forest of Have in the County of Hereford Popham Chief within his own woods within the fozelt of Haye in the County of Hereford

1 a 2

communia de 14E.1. de libertatibus allocan-Pick. 148.2. b 8 E.3. Itinere Pick the cafe of

19.b.

Lib 9. fo. 28.b. Labbot de Strait Marcellascale d 8 E.3. Icin.Pio. fo.163. the cafe of William of Persay and Pdthorp. S. ItinePick

Conftit. & Affif, Forefitubi fup. A man may claim to have dogs inexpeditate and bounds within the Foreft

Regift.277.2. F.N.B.226.f. 2 E.s. Trin.9. Ad quod damnum.

Pafch. Jac.R.

Vid.Reg. 258.2. Bowland is called Libera Chafea de Bowland.

without the view of the Fozeller, and upon argument and long advicement it was adjudged, that the prescription was good noticibilianding the Ozdinance of 34 E. r. and the flatute of r E. 3. cap. 2. And the reason was, because that Statute was but in affirmance of the Common law of the sozell, and against such a kaintee a man may prescribe. And that 34 E. 1. was but an Arbinance and no Statute, see F.N.B. 167. a. Register. Which jungement was agreeable to Pickerings case aboves and is of great consequence: for the Statute of Carts de Foresta, and most of the Statutes concerning Fozells are shewise declarative unriqui suris; and therefoze, as against the Common law, so against them a man may prescribe upon a just and reasonable cause; but if they were increductive novi suris; then no prescription can be made against them, unless he has another Statute to preserve the liberties.

And it a man path a concol in a fozelt, and hath no faith prescription, the law both appoint him a means to fell both wood and timber, so it be no presude to the game, but tallicient is lest bestoes, and that is, by a writ of Ad quod damnum.

upon return tobereof the Ming poth licence bim, gc.

By the Kings commandement under his Signature and Signet, all the Judges were allembled about certain questions concerning his fozells of Leicester in the County of Leicester, and of Bowland in the County of Warwick, to be mobed to them by the Atturney of the Dutchy. And the first question which was moved, was, whether the taid fozells were fozells in name onely, or in law? which being questio fact, the Judges could give no answer: but by way of direction they retolded, that if they were fozells in law, it must appear of kierozo, for there be rectain incidents interparable to every Fozell, viz. Courts of kerozo, and Officers of kerozo, as Courts of Attachments, Swanimote, and Justice Seats. Officers of kerozo, as Fozellers, Merverers, kegardets, Agisters, w. who are made (as it appeareth befoze) by matter of kerozo, ac, but appellation or naming of them fozells in offices, pleadings, grant, or other convey-ances, are no proofs, that they be fozells in law.

2. It was resolved by them, that if they be but free Chafes and no fozells in law, that then the obsers of Moods within such Chales may cut down timber or wood growing therein without vieto of any Officer, or licence of any 3 but if they cut down to much as they leave not indicient covers, and druife wood for the game, they half be punished at the kings suit. And so it is if a common perford both liberty of Chafe in other mens Moods, the obsers of the Wood cannot cut down all the Woods, but leave sufficient for covert, and druife, as both bein accustomed, no more then the obsers of Moods in which others date common of Chopers, can velicop the whole Moods, but leave sufficient for the Escopes."

3. And being usmanded whether in the Kings frie Chales a man might have common and fixing to they, and warren by preferricion or grant? It was refolded, clarly they might, but they must not furcharge to the preductive of the Kings game, but the owner of the foil within furth a free Chale cannot ereits Marren without a Charter from the king. And it fremeth to me that by preferricion a man may have common for his sheep within the Kings Forest : for, sirk, I sno no an itrority in our books (that I remember) against it; and that generally a man may common in a lovell, it appeared by Carra de foresta, Cap. 1. 33 E. 1. star. 3. 3 E. 1. star. 3. 4 E. 1. cap. 6. And if for common in general, especially so common appendant to much savoured in law, and particularly so Speep, as well as sor Borles and Paren. 12 H.3. Common 25 F. N. B. 230. 2. And to constinue this point, the Oriovelle of Wicham prescribes to bave Common in the Forest of Pickering, profomalous averies say except, caprellis, design the Justices in Circ in 8 E.3. Rot. 31. which being some to be true was allowed to ber, so, and such a prescription may bave a lawful beginning by the Kings grant.

4. Edat be that bath at Marren within a free Chase may build upon his own

4. Shat be that hat a Charren within a free Chare may build upon his own inheritance within his marren a convenient longe for preferbation of his game. And Popham Chief Autice before all the rest of the Judges eiced the said case of

Selenger abjudged in the Ersbequer.

Temps E.T. trefpalsa49, the cofe is to be underflood of a Forest where Forestets (there named) be; for every Forest is a free Chafe, bur not de converse. 43 E.3.8. Vid-Dier 6 E.6. fo. 70.

cer. Starcer.

Et Edit. Sate.

Copilal Kar.
i Setenikus
me K. Kifz.

do respectadad. Historian Chick

,2018

Some quettion being mobes between the Garl of Nott, Suttice in Gire in all the Bings foretts, and the Carl of Dorfet Ereafutet of England tomcerning the vilpoling of the kings amouns in his Kozells; the vetalui in inherens by the Bings commandement all the Judges of Bagland were affembled, who upon com-

ference and mature deliberation retolved thele? points following:

1. That the Justices in Cire, and the Lings Officers within his Fozenhave charge of Mentfon, and of Mert or Green have for the maintenance or preferbatton of the Lings game, and therein of all mainer of trees for coin loga de Foresis in hert, brufte and patonage. But when need is to tell leasonable words Custolia den. Regis 12E. 2 within his fozelf, og trinber sog his Pajesties use, the same must be sold Com'resell the underwood og taken by soze of the Grant Deal, og Esthequer seal by the view of in the Park of Clarendon. The Tayester to the invent that the words or the finiter sail hat he could be the country. the Fozeller to the intent that the woods or the timber hall not be taben falls in the Park of Northin places inconvenient for the game. But the Julice in Gire, or any amp, as Com'to fell wood of the Kings Officers within the Forest cannot fell or officers of any in Clarendon, Nota, minute toood within the Fozelt without Commission : and to the Excheques and biasermes quercuum curli & the Fozetters have divisom imperium, the one for the profit of the mings vend virtue brevis domini

and the other for his pleasure.

2. That regularly neither the Court of the Orchequee, nor any of the 15, 6 44 E. 4.

kings Officers can vitpote of the Bings timber of boods, but it ought 17 H. 6. virtute Literatum to be done by Commission, ac. as is affectaid, for the kings bed profit.

3. Chat every man in his own Missons within the Forest may take Poutebore 1 E. 3 stat. 2.c. 2. and Dephote by the view of the Foresters. The kings Fremers that have claused to take timber, ac. by view, ac. may take the same accordingly a forest up to man freeheld to take timber, ac. by view, ac. may take the same accordingly a forest up the man freeheld to take timber, ac. by view, ac. may take the same accordingly a forest up. and to may Freeholders by prefcription, and Coppholders, which by cultome have ulen to take Boulebote, oc. take the fame by biels of the fozetters, ec. oz otherwile according to the Cuffome.

4. It was relotued, that no Micer of the Fozett toute daim thindefalls of Vid. Icin. Pick. Dotate trees for their fees by prefeription, because they were once parcel of the 8 E.3. Rot. 30. hings inheritance, but they ought to be fold by Committion, as befoge it appeade che cafe of Will:

reth, for the kings beft benefit.

5. That he, that bath the Berhage, or Patonage of a Bark be the grant or wife, bentile of the king or any other, cannot take any Berbage or Patonage but of furplulage over and above the competent and fufficient Ballive, and feeding of the game : and if the owner of the game fuffer the game is to encrease, as there is no furplulage, then he that bath the Berbage and Pawinge cannot put any Beatts in the Wark.

That the owner of the Park may divide any competent parcel of the Park with Kail, Pale of Bebre for the feed of the game in Winter, and he that bath

the Berbage cannot put any Beafts therein.

Lattip, if the Patture and Patomage of the Bark be but fufficient to free fie Ra.Par.rd E. .. game in Winter and Summer, the owner thereof way beibe auf che Bealls of fo. is. The King bint that bath the Berbage and Palmage. And theremon by like aftent of all the were in his forest Sungen the Court of the Orchequer took this order following with fonce tentonar without view of

ble additions.

tothereas heretofoge fome quellion hath been mobes betteen the Logo Eren The Order of futer of England, and the Margen and Chief Julite, and Julice finerant of the Exchaper all the Kings Patellies Foreits, Chales, Parks and Miscons on this fine the expension of the Excheques will the Kings Patellies Foreits, Chales, Parks and Miscons on this fine the open the resonance of Trent, what appertained to each of their offices and places conserving surious of the desling with and disposing of Miscons, Arees and Coppiers within his Judges. Digitudes Parks, Foreits, and Chales, which being by his Pagelly referred to the confideration and determination of his Judges, and Barons, they have resolved to the confideration and determination of his Judges, and Barons, they have resolved to the Lary Areafurer of England for the civil before the latter of England for the civil before as the Logo Creaturer of England for the time being, and Court of Erchequer pane the only oppinary power unser the ming to deal therein to far farth as the fame concerns the inheritance and profit of the Crown, as in the fale of Missons, Acces. Coppices and fuch like i to in like manner it concerns the Marden and Chief Auftire, and Jutice Lincrant of all the Mings Wafentes Forens, Chales,

regu, Simile ibidem, 10,11,

had social of a well and . s . if s a in the Forefter.

Barbs, and Warrens, and their miniflers to beal therein to far as it may concern the preferbation and maintenance of the Game, in refped of the Chabes, co. verts, pawnage, and fuch like for the Weer. And therefore it is refolbed by all their opinions, that the Lord Treasurer of England and Court of Erchequer may not fell any Moods of Coppices within any the Mings Barks, Fozeits, or Chafes, (except windefalls, rootfalls and meer dead and fear trees) without the privity and allowance of the fait Marden, and Chief Juffice, and Juffice Itinerant, within whole jurisdiction it is: Roz may cut bown the dead and fore crees, nor carry them or windefalls or rootfalls away, but at fit times, and by the vieto of fuch as have charge of the Game, whereby it may be feen unto, that the fame may be done at fit and convenient times: and that no trees, other than thole that be dead and lear ; and meerly windefalls and rootfalls, may be thrown down or taken away without the privity and allowance of the Marben, and Chief Juffice, and Julice Itinerant of bis Pafellies Barks, Sozells, oz Chales.

And as for the Marben, and Chief Justice, and Justice Itinerant, and the Bepers and other Pinifters of Parks, Fozetts, and Chales appertaining to the Bing, they may not cut boton any trees for new paling of railing, of for repair of Longes, without the Marrant and allowance of the Logo Creafuter of England for the time being : but timber necofull for mending of small defeas in old pales of tails that are broken . To as the same no not exceed two of three timber trees in any one Fozell, Park, oz Chafe, in any one year, they may be permitted to take of trees in places fit, without making wall thereof, oz any spoil oz pzetwice to the Kings inheritance, making the Kings Durbeyoz of the Woods speedily acquainted, who is to see that the same hath been accordingly well imploped: and needful browle also in places fit, and times featonable the neepers map take for the Deer, not cutting down the limmes or great boughs of the trees. And therefore it is ordered by this Court, that from henceforth where it shall be thought requilite to fell any of the Rings Woods of Coppices within any his Parks, Fozelts, og Chafes, that a Writ og Commiffion in nature of an Ad quod damoum thall be birected unto the Warben and Chief Juffice, and Juffice Iline. rant within the Rozells, within whole government the fame is to be done, to enquire and certifie what number of trees and what Coppices may be fold, and in hat places with least prejudice to the Mings Game; and that upon the retorn thereof, the fale thall be made of fuch trees and Coppices, as upon fuch Certificat thall be thought fit to be fold. And in like manner it is ogbered, that fog the new valing, and new railing, and new building of Longes in any place within or about any dis Pajetties Parks, Fozetts, oz Chafes, and the great repairs of old Pales, Mails, of Lodges in og about the lame ; that it is to be bone upon Certificat from the Marden and Chief Justice, and Justice Itinerant, and the Durbepor of his 42 E.3.cap, 1. Pafefties Waoobs within moute anne Pajeffies Woods within whole Aurisdiction it is, by Warrant from the Lozd

It is very oblervable, that if any Act of Parliament bath been made against any of the Articles of the flatute of Carta de Foresta, by the Act of Parliament fle.cap.1, & 2. any of the Articles of the matter of the flatutes of Confirmationes Carr. this is an Ad of 42 E. 3. the same is made boild, and by the flatutes of Confirmationes Carr. all judgements given against any of the points of Carta de Foresta, shall be bolben tog boid. And where H. 2. Fitz Emprels claimed that he might make Fogelle not only within his own Woods and Grounds, but in the Woods and Grounds of his Dubjents, and thereupon made bivers luch Fazell's within his own and other mens soloods and Grounds : whereupon fome Readers and others that have followed them are of opinion that H. 2. might De jure Do that which be ain. But this Ad of Carra de foreita, which is but a beclaratozy law reflozing the Bubjed to his former right, is bireale against that concerpt, in thele werds. b Inprimis omnes forefte, quas Henricus avus nofter afforeftavit, videantur per bonos & legales homines; & fi 5 boscum aliquem alium quam fuum dominicum afforestavericad demnom illius cujus bofcus ille fuerit, ftatim deafforeftetur, & fi bofcum funm ner of Commons proprium afforestaverit, remaneat foresta, falva d communia de berbagia & aliis in eadem forefte illis qui prius eam babere consueverunt. In the fame effett is the

& Cart. de foreof restirucion, for if the King might have made a Poreft in other mens Woods, then could nor the owner have felled down his own woods without view or licente, & fic ad damnum illims,

are faved.

thito Chapter. Reither could H. 2. of any other hing have mave or railed a free Chale, Park, of Warren for himfelf in any of the grounds of the lubjects; for it is truly faid in Pl. Com. that the common law bath to admeasured the Rings pero- Pl. Com. Seignigatives, that they fould not take away, not prefudice the inheritance of any. But or Berkeleys toe agree, that all the lands of the tubied are originally derived from the Crown ; cafe.fo. 33. And therefore when the ancient kings had the most part in their own hands, or at least great Defarts, walte and woody grounds for want of babitation, they might make what Rozetts it pleased them therein, which may be a reason and caule of a lawful beginning, and therefore a Forest may be by prescription good in law over other mens grounds. But the king in his own grounds may make a Fozest at this day, which is also proved by these two Chapters, for such Roreffs are thereby laved and enaced to fand.

thing H. 8. incending to make a feeel about his house at Hampton Court it H.B.cap.; aftigned and limited a certain Lercitozy of grounds for nourifping and generatien of Beaks of Menery, and Fowls of Warren, extending over the lands and grounds of divers and many Freeholders, and Copidolders, within the Panozs, Lownthips, and Willages of Ealtmulfey, Weitmuliey, Walton, Efher, Weybridge, and part of Cobham: and finding that be could not eren either forest of Chase over other mens grounds without their concents, div agree with the Freeholders and cultomary tenants, as by his Indenture bearing pate the first day of October in the 29 year of his reign, between him on the one part, and Dir Richard Page Anight, Thomas Henage Clquire, and other the Free! holders and cultomary tenants in the Lowns and Willages aforefaid of the other part, wherein the king both name it (ad faciendum populum for the eafler paffage) Hampton Court Chafe. But afterwards (in clofe words in feberal places) that it fould have all fuch and like Liberties, Aurisdictions, and Prebeminences, Latos, Statutes, Officers, ec. " as any Chafe of Fozell within this " Notes Bealin hab, oc. And all offences bone within the came, Sould be punifped as if the fame had been done within any Chale of Forest within this Mealin. And the bing did thereby covenant and grant, that the freeholders and Copiboliers afozefaid might fell and take their willoods, Gzobes, and Coppies, at their will and pleature without any bieto, ec. and to make their heogen and fences about their Coan, ac to keep out the Deer, ac. And (for recompence to both Freeholbees and Copisoloers, oc.) that the third part of the free rent of every freebold fould be deduced, and the moity of the fine of the beir of every Copibolier should be also beducted, ac. which Indenture and all the covenants cherein being recited, it is enaced by authority of Parliament accordingly. By which Ad and divers general clauses referring to foretts, the Bing intended to bave it a fozest. But hereby it plainly appeareth both by the mings said Indenture. and by the judgement of the whole Parliament, that the Bing could neither ered any Chale of Forell over any mans grounds without their confent and agreement. And pet Bing H. 8. did fland as much upon his Percogative as any King of Bogland ever bio.

But to forn this new with some that is ancient. In Ror. Parl, anno 18 E. T. there is a notable Record in thele words:

Rogerus Episcopus Coventr. et Lithf. queritur contra Rogerum Ex- Petitio Episcopi traneum et socios suos Justic. Domini Regis de Foresta in Com. Staff. Covent. & Lichi-Es quod seis. in manus Domini Regis boscos ipsius Episcopi de ma- contra Justic neriis suis de Cannock et Ruggeleghe, &c. Rogerus et alii Justiciar. ven, et dicunt, quod in Itinere suo prasentatum fuit per Viridar. Foreflar, et alios fideles Domini Regis, quod pradicti bosci super Dominum Regem et ejus progenitor, per ipfum Episcopum et prædecessores suos pur purprettui. prestabantur. Et es qued licet eis Jufficiaris in Itineribus sus purprefuras factas infra metas foresta Domini Regis in manus Domini Regis seistre, ideo seistre fecerunt, &c. Et Episcopus bene concedit quod sunt infra metas foresta: Set dicit quod Rex Ric. per cartam suam dat. 4 die De-

cembris Anno regni fui primo dedit Hugoni tunc Episcopo Coventr, et Lich.

Gnowshall.

Nota, in boscis deafforestatis per carram licet fugare,& voluntaà fortiori, in bofcis deaffortftat. Virtute Actus Parl. de Carta de Foresta.

Adjorned into Parliament.

Deafforestatio. per Cart. Nota.

* Nota, infra metas forefta, &c. tamen extra forestam. Forefta de Cannock.

See bereafter Pag. 307.

1 E 3.ca. 1. ftat. 2. Rot. Parl. 1. R. 2. nu. 6 1. 5 R.a. 84.

inderi

pradeceffori suo et successoribus suis dieta duo manersa cum Ecclisis, hundred et omnibus alies libertatibus. Et per aliam Cartam dat, 30 Novemb. Anno regni fui primo concessit dicto Hugoni quod omnia maneria fua, terra et omnes homines sui et feod. Ecclesie de Covent, et Licht, de Cestr. et Salop, et de Gnowshall et omnium Ecclesiarum suarum; libera essent et quieta de foresta, et de placitis foresta, de vastis et assartis et regardis forefta ; cum multis alies libertatibus in ei dem Cartis recitatis, &c. Virtate quarum Cartarum, iple et onenes pradecessores sui à tempore confectionis earundem Cartarum folebant fugare in dictis bofcis, et voluntatem fuam inde tem inde facere, facere, Gc. Et petit qued dominus Rex, Gc. Et pradict. Fuftic dicunt qued Dominus H. Rex pater Domini Regis nunc fuit in feifina dictorum maneriorum et boscarum. Et scrutatis Rotulis, et Brevibus Scaccarii invenitur primum breve regis H. Anno regni fui 14. Vic. Staff, direct, et quod sciat , quod reddidit A, tunc Episcopo Covent, et Lichf, dicta maneria, &c. Item 2 alia brevia Baronibus de Scaccario direct, quod computent Vic. Staff. 305. 6 d. promed. pro anno 14. Item comp. Gc. 61 s. pro anno 10. pro di-38H.6.6. 10.3c. Etis maneriis, &c. Et prad. Fuftic. dieunt, quod patet per eafdem Cartas quod Carta per quam Epifc, clam. efse quietus de foresta, &c. data fuit et facta ante Cartam per quam dictus Rex R. dedit Episcopo, manerium et boscos pradictos. per quod dicunt quod pradictus Episcopus non potest clamare dictos boscos esse quietos, &c. per formam dicta Carta facta ante donationem dictorum bofcorum , ob qued datus eft dies dieto Episcopo, Oc, in unum mensem ad Parliament Gc. Postea ad Parliamentum nunc, &c. venit pradict. Episc, in propria persona sua, et reddidit Regi dictos boscos ut jus ipsius Regis. Et idem dominus Rex ex gratia sua concessit et dedit cosdem boscos pradicto Episcopo per eafdem metas, bundas, et divisiones per quas ipfe et pradecefsores (ni à tempore confectionis carta pradict. Richardi regis boscos illos tenuer. &c. Et quod habeant er seneant liberos ab omnimodis placitis forefta, &c. * Et quod nec fusticiar. foresta sen Forestar. Viridar, et Regardatores, seu alis ministri quicunque se intromittant infra metas supradictas licet fint infra metas foresta antiquas de Cannok. Et pro hac, &c. idem Episcopus cognovit se teneri Domino Regi in mille libris fterling.

Observe well this Record, and the parts of the same. And it is to be known. that where divers perambulations were made in the reign of H. 3. E. 1. and E. 2. that all thefe perambulations and others that fould be made (albeit there be no Charters thereof now extant) are elfablifed and made good, both by the fatute of r E. 3, cap. 1. ftar. 2. in print : and by an Act of Bartiament in 1 R. 2. nu. 61. in the Moll of Parliament, and not in print ; and by another Act of Parliament 5. R. 2. nu. 84 not in print. Faz albeit it be to be prefumed that Charters have been made according to the Perambulations, pet foralmuch as time wears out many things, if Charters fould note be required, many places thould become fo

rell'again; which now are in peace and deafforelled.
The form of the perambulation of a Forell is, Perambulatio facta in Com. Eborum de foresta de G. die Anno Regis, &c. apud B. coram A. B. C. D. Justiciariis Domini Regis ad dictam perambulationem faciend, affignatis per facramentum F. G. M.P. N.S. &c. Qui dicunt super sacramentum suum, &c. And to let down the meter and bounds of the Fozell, felwing what is within the Fozell, and what to be extra forestam secundum tenorem Magnz Cartz de Foresta, co quod afforestata fuerit post coronationem Domini Regis Henrici Regis 2, &c. In cujus rei testimonium, &c.

Nota,

Nora, the Charters be general and foge to this effed. Rex omnibus ad quos presentes litere pervenerint, falutem. Sciatis quod volumus & concedimus pro-nobis & haredibus noftris, quod perambulationes fadaz coram A B. C D. ad hoc affignat, per preceptum noftrum de foreftis noftris in Com. Eborum de cerero teneantur & obferventur per metas & bundas contentas in didem perambulatios nibus, quarum tenor de verbo in verbam fequitur in hunc modum, And repeate

A long complaint in Barliement againft Sotefters, for afforetting of mens Rot Parl at E. purlieus, for undue trial, and for their ertortions, too long bere to be reheated, 3-m. 26. but morthy to be read. With a mayer that the great Charter may be kent, and that all men may enjoy their purlieus according to the perambulations made in the ign of Bing B. 1. lubereunte the Bing antwered, [The Bing bould the great Churter to be kept and charlude as will complain in the right of their purlians, may habe wigits out of the Chancery.] Die Rot. Parl. 30 E. 3. au. 80, & 1 R.2.

nu:60. reach time and a Purlieu containeth such grounds which H.2. R.3. of King John added in these & Purlieu ancient Fozests obse other mens grounds, and which were disastozested by saze what is is, & of the statute of Carta de Foresta, cap. 1. & cap. 3. and the perambulations and whereof derive grants thereupon. And is beribed from a French Sojection and a French wed. Rown, viz. Pur, which signifies clear, entire, and exempt, and Lieu, that says place entire, clear, or exempt from the sozes. And both of these devices from the Larin Antertibe and Bown, viz., purus socus and in this sense the Civilians. admuate: the Latin Moteribe and Nown, viz. purus locus; and in this fense the Civilians called that purum locum qui sepulchrorum religioni non est obstrictus. And the perambulation whereby the purises in deastozesses is called in French Poursilee, perambulatio, so as the purises and poursilee are two distinct things, and pure 33 E. x.flar. 9. lieu is the right name of the place deaffogelled.

By this it appeareth, that Chafes that neber were any Fazelle cannet bebe any purlieu, and confequently the cafe in 16 Eliz, Diel 326,327, is m the Chase of Whaddon meber has any Forest, and better it may be observed, both necessary the true periodical of words in according to the example of Licketon, as in obsers parts of the lift part of the Inflicaces appears.

By this deastoredation the admires of the grounds within the purious may at e example of Little-

bow necessary the true derivation of words in, accepting to the example of Licilcum, as in divers parts of the first part of the inflicance appears.

By this deafforestation the atomers of the grounds within the purificumary at their will and pleasure fell, cut down, cradicate, and sub-up-all the Limber, which, and underwood, contert their passures, Beadains and other Grounds to arable, inclose them in with any kind of inclosure, build and east note collect upon the same or any pare thereof, and to dispose and use the same after the other societies, and the other conceived, that quoed to the atomera of the same after the same af

And where some babe concesped, that quoad to the phones of the fort the purifer is disassected, but not as to others, but as to them it should remain a fiezest, by reason of these words in the sist Chapter; ad damnum illuss cu jus bo-leus illus sucris, ihose toords topes added to thete the unia unitness of the astoretation, because it was addamnum, erc. as both been probed before. And then these men must make a diberste befores a deastoretation by force of the sist. Chapter of associations in the reign of H. 2. And deastoretations made by force of the third Chapter of associations in the reigns of R. 2. and thing John, sor there the clause of as damnum is smitted, and therefore those associations are

confirmed and enacted and commanded to be put in execution, and we finde no authority in law that we remember against an opinion better, therefore we Proceed and do hold, abor in any puritien a mon margas lawfully bunt to all intents and purpoles within the purities within his give grounds, as any other owner, may one in his grounds that mehrs were affigues at all.

fcription, but all the faid thatures were mode within time of mamage against of the latinums which they cannot preferbe. Some embeadous to maintain it to be by figget Sec. 270.

Vie Koc. Leit.

r partyred and

ing a diff -22 Just

nu. 3 9.

moet it is, C. 2 2 B.4. Cap.7.

43 E.3. 8. the Earl of Arundels cafe.

33 E. I. Bar. 9. 38 E.z. fo. 10 b. fimile. 13 H. 8. fo. 10. 2. 20 E.3. Ret. Pat. I pars pro deafde Kemlam.

Vide Rot. Parl. 12B.3.04.26,27 a complaint of the purlieu men, & the Kings anfwer.

The oath of the Ranger.

. This proveth Recibings E.3. Du.39. 40 E.3. nu.80. 1 R.2. Bu. 60.

Qued non legiture non crediture but to conclude this point, to fozell late can fland against lates enaced by Authority of Parliament. Others think, that the faid mate of 43 E. 1. Am 5. of Come other Catute in the reign of E. L. E. 2. of E. 3: do in fome fore redrain their bunting, which is utterly denyed, that they are refration by any fuch in any of the faid mings times but if any fuch flarutes were; they are, being contrary to the flature of Carrade Forefia, repealed by the flature of 42 E. 3. cap. 1. And all the Dtatutes of Allies, either that of Woodhook in the retign of Hours any other in his time, of in the teigns of R. i. of king John, are all abyogated by the Batute of Carra de Foresta made in 9 Hig cap. 1. & 3. as to the Desfloreflations, &c. And the flature of Affile of Woodhock both errend to Desflorestations befoze, and not after, the tooghe thereof being, Nullus faciat aliqueminitaliament inter forella & bolcos, dec. per ipfumivel progenitores funs Rot. Par. 51 E.3 deafforeffaros. And the the fame regfon the Burlieu man may hap bin dog a tolibin the purifer unerpedicated, and fieing the wild Beaffa do belong tathe purfier man ratione foli, to long as they remain in his grounds, be may hill them, for the projects extione folick in him; for an hereby concerning purlieus, and by the tefoliorion of the Judges concerning Chales, it appeareth that the makers of the Robbie of 22 B.4. untition the late in both of them, vize concerning Chales and Dir Hens, but the Carnes being in the affirmatibe bogheth no prejudice to any! And is be these them with Grephounds, and the Beatle of the forest one flie chambs the forest fire their fafery, if the owner pursue them to the bounds of the fixed, and then call back his dogs, and do his endeabour to call them again from the pursue, although the dogs follow the chafe in the forest, and kill the mings Weir these, tres in no offence, to an the oboner lenter not into the forest, nor in book tothe weir for history Bur if the bogy fasten upon the Weir before be recover the fozelt, and the Der dieg the dogs mit the fozell; there the Par-Heif then may follow his dogs in take the more and the

An'thine Abeters Paterita of the perginbulations of putallies of foreffs misde by Mitty E. 3. to my County where lands are vilalityelted, which we babe feen, foreft. Forefta there is reterber futhe king lett dages for bis with beatts within the puritous te return again, and for bis Mangers wiebin that time forethafe them into the to return again, and see pie manyers virolity oper purpok. Ond albeit there purficing be ablibunely distributed, and have it be in liver by of there, yet for compensions it has being permisers that the language of the total thouse as about the language being the total liver, with his bound result in his band, and there was the language by the language has the language and the language of the language by language by the languag Deer of the miniga special the purities by no purities man, but untational Pulities of the like a first and an Hould not take aboutage of their other money both to the thing and the purities man, and that they are known to be Deer do longing to the king and the purities men, and that they are known to be Deer do longing to the king stopes. Decands there are no other mithin the purities; where in the best rule we can (for abolding of revious refer) give the Mender, is to solution the purities. Mercands and therefore of the Gives before decay grade and learned last feer in the line concernies. learned Hather in Gies, at flott of Pickering, Lancafter, a the line concerning prefentment of haveers done within the partieus of the Mangers, twiereunto we do father incline, when the souther the oned which the Mangers have anciently taken, and continually in their words. You shall truly execute the office of a Ranger in the purifica of P, upon the border of the Kings forest of P. You shall rething with your Hound and drive the wild Beasts of the forest; as often as they shall range out of the same forest into the purificacy. You shall truly present all are no part of the within the publicus, as the forest and those and all other offences you shall pre-Forest, but di- sent at the Kings next Cours of Attachments of Swammote which that first happent So belp you God! And te the to the noted; that in tuch togethe, as babe no purtieps, were is no Manger and odem arant astutaft diel adi lie bad

Monagueth ishist in Parliament, par no nian be impeated by bunting within epurifies at without the bound of the forest, and that bere be deviced no allars

This Petition confiding on the pares. To Concerning hanting in the purlies, or out of the bounds of the forest, the ficions contenting affect rentaling a continue

Lo he first : he king anthoreth, That the Charter of the forest shall be kept, tobile is a yelling to the Wolftien for ibar part, for by that Charter the bounds Mile E. 3. Ron. one are the best Creations designed and rid on one bed indicate are alleged and for the committee of the best of the committee of the committee

The Commons made Petition, the name of the period the period trief, a sound of the period the period to the period of period to the period to ando de fugiendo verfus foreltam de Pickering deciduntila retibus acingemis przdictis & capiuntur, & annuatim capere facit in deftructionem ferarum forefta predica de Pickering ad dannian domini, de netetrar quo Wacranto ; per qued przcopram fait Vicecomit qued Venire field beidicual ibbreen. Atterunien the loci pradict. virtute Concest. &c. pradictos cervos & cervas in lotis pradictis Nota, for Harts; ubi retia & ingemia prædicta pofita fuerent, & que feerunt infra limito Forefte Hyndes. fue de Whitby, & quoid quod dem habem exploratores tiper foras demini, &t. fuz de Whitby, de quoud quou dem nabem exploratores tiper foras domini, et, retia & ingenia pont fecit prope Forestam de Pickering; tel per quod in redenni do plures serx capt. Tueruns, quod omnino est contra à fill Foresta, iddin à bbas dicte, quod ad nos respondent non debet se. Et quis manifeste liquies cortas de quod fere de Foresta ad Posestam alter conferri non posson, mis ipsus nec divisas alla are not branded to restaurant de quod fere de Foresta ad Posestam alter conferri non posson, mis ipsus nec divisas alla are not branded quas cognoscunt. Ideo consideratum est, quod idem Abbas est sine die val 2011 or figned with the position of the forest on the forest on the forest on the forest of the forest or figned with the forest or range out of the forest (and shellen) is allowed to be they may be known whose they are not the forest of Ano this is the reason in Product habetato, that where the ming was relieved they are energy to ano this is the reason in Product habetato, that where the ming was relieved the Foral. It is for the forest of the reason in Product has been an order of the forest of the reason of the forest of the

rest maketh the property in that case. But the book of 7 H, 6. is letter large uponed the vetters prior be dutied no. and vertice was dereupon granted: and Dierico Blining of, 327 agriculture was in estimated of the birds of t Dier is to prescription to the wing, but against him.

It is to be observed, that by the law of the local, when the stains is made of any ancient Charter of any fraudite, Liberty, or Immulity, or implify wing in the local by airclant and obstars tearned and the local by airclant and obstars tearned and the local by airclant and obstars tearned and the local presents we have a local presents of the present of the law of the local presents of the law of the la

Regula.

Salgas as H. s. gard

S E. g. lon Pick. 16 El. Dier 326, 337.

Vide Itin, Pick. 8 B.3. The Prior of Ellorrons cafe. Rot. 35. Et ibid. Malcons cafe.

F.N.B. :30:

In antiquis Car-

8 E. J. Itin Pick. Lambftons cafe. itura. Geldum in Domefday fæpe pro Scot. Anglicè. 33 H. 3. gard 148.

Syndes

tioretur fuper poffeffionem ipfius Prioris in hac parte, inquiratur inde veritas per minifiros ejufdem Foreftz, and thereupen the Fozefters, Merberers , and Megarbers are flucen, and to much as they find have been continually used, is allowed. Regula.

And to much as both nor bein uled is disallatued, fo do at the and continual polletty.

Hild E. z. Rot. one are the best Expeditors of ancient and obstave words.

For example: C Quietum esse de misericordia Foresta, is to be quit of all americand polletty polletty of a comment in the which be in any sort might fall within the sort. Sind here misericordia in taken as well for a time, as sort an americand the sort in his wood within the sort be spould in antiquia Care mat be american as the base was the base to the mass within the sort in his wood within the sort be spould.

not be amercied, noz fog any other toatt.

Quierum effe derewardo, that is to be quit of amerciament loberelbeber in any Warith luithin the forest, if the ulage hab been accordingly.

Quier, de omnibus geldis, i, quier, effe de omné putura Forestar. & de omni præstatione, ad collectionem garbarum, agnorum & lanz ad opus forestar, ejuldem forefla

De Woollgeldis, i. quiet, elle de omni collectione in foresta præd, ad opus

quorumcunque ministrorum forest, præd. ratione boscorum,

De Horngeldis, Quietum elle de omni collect, in foresta de bestiis cornutis alles.

De Fotegeldis, i quiet, elle de finibus & amerciamentis pro capibus infra forestam inexpeditatio, if the utage both been accordingly, other wife not : for ancient Charters, by the law of the forest must be adjudged according to the continued De Burcftall, i, ubi homines convenire tenentur, ibidem convenire ad fta-

bleiam faciend, circa feras, & ad caldem congregand, quietum effe de hor fervicio.

quando dominus chafeaveric.

De Triffris, anciently weitten traifis, and is derived of traif. itruff, and fluiffeth ubi alii homines manentes in eadem foresta tempore que dominus chaceaverit in eadem venire debeant, & confissiont, Anglice are gruffet, ad tenend, Leporarios certis locis affignatis pro feris ibidem expediand. & capiend quietum elle de hoc fervicio. die Gened with

Sarli marketine De Fledwite, of fied, a Saxon word, a fugitibe, one that fifth, an outlaw,

and wite a Saxon more alfo, a fredom.

© De Careyo, cum alique Carre, feu carecte carrate transcuntes per forestam, & similiter * summagia seu Somagia equorum consuet. sunt solvere secundum magis vel minus ministras ibidem pro chemino, ibidem habend. Quietum esse de they may her known whole hujufmedi folutionibus. Summagium og Sommagium commeth of the French toogo fommien as fummier, tobich figuifieth a Bogle carrying any load. Chimagium, a Koll for may faring men through a Forest, beribeh from the French toogo Chemin for a hour.

min for a boste.

De Scoto, seu Shote, quando homines faciunt collectum inter se ad sliquod obtinendum seu evitandum. Quietum esse de tali collect. • De tallagio, idem

regardom foreitz. If any man within a total do bale hit woes of os by grant of prefeription to be extra tegardum foreits, the mobs of lands

Exilium, i. cum homines utlegantur in Itinere iftius forefiz pro tranfgreffio-

Exclium, i. cum homines utlegantur in Itinere istius foreste pro transgressione viridis sen Venationie.

C De escapio, secandum Affisanforeste si averia slicujus in landis veticis, vel tempore vetito in eadem inveniantur, prima vice pro quolibet pede averiorum prædict, ipsi quorum suerint amercientur ad unum denarium, & si secundo ibidem inveniantur, sueria illa remaneant domino socialasta, de quibus amerciamentis & sociasacturis per un julmodi vocabulum, de escapio, extiter, quieti.

C De Pannagio, that is, to be quit to per any thing socialasta.

Afferrum, affert, is to called al specifici (as some bold) and is deribed (septer) as a quibas amerciamentis there are man services as such grounds, marifes as mass grounds. 8 H. 3. The Prior Sans Rends (2) the Prior of Maisson cats.

tioretur.

" Corte de Forefta cap, 114.

Also anofile H

BE. g. lin. Pick. fa. 149

Vide Lin. Pick

The Kings D

are not branched

F.N.B. 230:

they are converted to be fown with Cozn, and therefore in the Register of F.N.B. Regardly, 3 ti is mysteen affecture, with an E. and to it is in Carta de Foresta can. 40 Brocken. Find along the person saith, Illud quod fuit asiquando boscus, & locus vaste solitudinistic come. Cart. de Forest. munia & jam inde efficitur assartum, vel redactum est in culturam. And here with cap 4. agreem Fleta, Illud olim suit soretta & boscus, &c. es jam assistum assartum; Brack. 4.6.226. & reductum est in culturam, & idem dies poterir de maristis & alus valinations in Figal 4. ca. 22. Lib. 2. cap. 25. City of the Lucubr.

Others fettl it otherwise, but we hald, that it is neribed of the disease work. Ochham 20 b. effarter, to grub up, or cler's ground of moder, and this spectration Domest Rolland Bay. Herefordib. Merchelay in codem manerio funt, a large terre provent, de man 1912 fylva, maitten ober the fame effars, de effart. fylva excunt 19 1. 8 4.d. E.being

turned into A.

Radulphus Epifcopus Karlest petit ver fus Prierem Ecclefee Karlest de- Rot Plac. Parl. cimes duarum placearum terre de nova afartarum in Foresta de Inglemond, de An. 28 E. 1.
quarum una vocat. Lynthmayt et alia Kyrthemayte, qua sunt infra limites pa- piscopum Karlerochie sue de Aspaterick. Et super boc similiter wenit Mr. Hen, de Burton ol. & Priorem persona Ecclesia de Thorisby, et casdem decimas clauat at percipen, ad citiblem de decle Ecclesiam suam. Et Prior venit & dicit, quod Henr. Lex vesus concessit dicto Dev et Ecclesia sua beata Maria Karleol, amues decimas de municus terris quas in culturam redigerent infra. Forestam , et inde cos feosfavit per quoddam Cornu oburneum quod dedit Ecclefie (ua predict, &cc., Et Willielmus Inge qui fequitar pro Rege dicit, qued decima pradict, portin, ad Regem et non ad alimm, quia (unt infra bundas Foresta de Inglemond. Et quod Rex in Foresta sua praditt, potest villas adisicare, Esclesias construire, terras assartare, et ecclesias illas cum decimis terrarum illarum pro voluntate sua egicunque volucrit conferre, &c. Et quia Dominus Rex [uper premiff, wula cere de protente tiorari, ut uniquique tribuatur qued faum eft. afignetur, &c. ce certificent Becem ad prosime Parliamentum, &cc.

C Purprelture, Southis and the neribation, the in the Second provide the aGlanv.l. o. cap. Inttitutes, Statutum de Bigamis, cap. 4 and the expellition upon the finis, and 11,12 Pleta has Garra de foresta, cap. 4. 36 : maigning all all and 12 and 1

Coopartura is a Thicket az Cobert of mob.

when they came to the house of any, whereunes otherwise contributory within the perambulation of the Fozel, which then was called a poster a deciminal And after they claimed the lame for all biduals for themselves being their warrants. Pozels and Wogs, which was called puture a and this stock metably appear by a Ko-Comes vel Bire all mendarum noftrum traet accom electe for Bire all fire eine

Putura in Change de Bowland, i. confuerudo calanta per Portfurios, at aliquando per ballivos hundredorum, recipente victualia cam pro feipfile hommi-bus, equis & canibus de senentibus & inhabitrantibusinas per ambulutoriem Fore-Az feu hundredi quando co pervenerint, minil inde falicand: uniore the fratute fix fen hundredi quando es pervenerint, mant mus mustante de cartero faciar. Scoof Carta de Forefia (peabeth, Nullus Forefiarius fen halivus de cartero faciar. Scotalas, &cc, 5 by the ftatute of 23 E. 3. If is enaute, that are Angeler of mayor of the the poor 13 11.4 sell of Chale, not any other Minister field make ny nather suffered in the poor 13 11.4 sell of Corankee of Corankee

Carra de Force

M.S. Priorat.

de vifu Franc. pleg. Dier 7 El. Cartide Forest cap. 1 a. Cart de Forest cap. 7. Fleta 1. 2. c. 35. Cap. Itin. W. 1. cap. 4. de Paftur. pauperii. e Potura. Vid 45 E.3. 15. De potura paupefuftenance for

Chablicia

Vide Lucuir Trin s.E. S.Co.

8 E. g. kin. Picki Sir Joharde Mel fayer cafe, U.M.

Chablician by Cablicia, broute wood, bertbed of the French werd Chablis

Flera !. c. 67.

Pannagium, or panagium, is beribed from the French hoort panage, i. pa-ure percrum in neutoribus de glandibus & aliis fructibus arborum. Elepander entre, il expedient canes. Expeditatio is beribas et ex & pede,

ram rege realta. perante the Dog is fames in the fot, inexpeditatus is unlamed.

Carra de Fore- Came in this fift is taken for Maltivus by their toogas, talls expeditatio fact, per Affilam communiter ufitatam , which bath reference to the Affile of the Fatel tempore H.z. Art. 6. while Tyeaheth only de expeditatione Maltivorum of Affis & Confected Porefly of Evr. capro. Igeanut only de thatlive and with

Clous ... whis most is taben from the French word Diccilles, in Englis,

Carta de forefts ubi fapralla cier

fta, cap. 6.

Clema.

Pelloca, of the French mord Peloca, and they from Pilas. In this Act is faken for the ball of the lost, line peloca, wishout the ball of the fost. And therefore by the express mords of this Act the ball of the fact of the Pakist is not to be that the the court of the the thirty of the together to the salm. Abis extended only to pasting, and to no other mans, farther more than a thould in locally where there are covered that they mecessially it is , that such as others in togethe where there are covered that the Moulo seen other wood anappediented , and the Wastist eppediented to the me fence of the treboule, as los giving at marning of Theaten and Robberts, or Mo-follus (the ale Rzirish bidzo) is a Pale their, because he noth make of anrels a

Managum & meluagium, is commonly in ancient metagos tahen toz meleuper premiff. aunimbigs

Covent, fo. 14.b.

de visu Franc.

pleg. Dier r El.

19R.7. 19P.17

1 Jac. cap. 27.

Affifa Forent

cap. 7. Fleta ! s.

-> E Destrotop of this Sit are De expeditatione Canuli exilientium in forella. and therefore in purileus or places deafforeffed, a man may hep a Paniff with. and leave the Meader to the test it telf being plain : for Sacins elt petere forier, quam fectari rivulos. copercuit is a Chicket or Cabere of 1900

Minaughep Ciephounds og other Dags to bunt, dog Angens, oc. eftber in

forch of withefiche foret, appeareth by offices Catutes.

in that if Derhounds befound running ad nocumentum; the Foretter built to nthemistud present cheminshe presence of the Clerberers, with fond them Minus, organise Chief Bullive of the Fore Cosal & of the northful energy of

Sing nat that app departer of Breicle of Carta du Fore fla, soit grent to pus. Comes vel Baro ad mandatum nostrum transierit per forestim nostram &cc. obid Abspect both not only extend to the Forens of the Bing, but to bis Chanational sales forth has the law before the making of this Act, which is national sales of the Common law of the facilit before this Act.

deed M 3 2

Int in dimension the Common is not the top of the figure end of the political o Aings Chablicia

M.S. Priorat.

c. 35. Cap. kin. W 1. cap. 4. de Paftur. Pauperil. e Postitia. Vid 45 E. F. & F. N. 5, 109. b.

is presentable.

Mings Foreits. Chafes, or Marks, bunt and bill mor or since ither Mings Der.

Mings forests. Abates, or Marks, bunt and bill one or this of the Mings Dier, Ahe Lards of Parliament may be it at other cinies on grains, but his law sands of rescunds, to and from the Bartisment.

3. Dere is implyed that the Loss of Parliament may in the ablines of the forester or Reger after the blowing of the bars, bill one or important from the Parliament may in the ablines of the Roselfer or Reger after the blowing of the bars, bill one or important from the Parliament may be the Land they may be captured for their recreation, so make them steer for the performance of their only and of the first only and of the forest of Land in Aftile forest, as bere it directly oppositely. And in Aftile forest, forest a E. 1. it appears to that the Abbat of Peterborow had a sight of hunting a E. 2. in the forest of Roseingham. And this appears that other statutes, viz. 13 R. 2. cap. 13. R. 2. 19 H. 7. 1 Jac. And at this day, and time out of mind, the ming bath had a feet the deceals of ebery Arability and Misson (inner also Matam shaw canum is decived from the Brings are in the Erchequez called mults. things ere in the Erchequez called multy. All meters decay of A

5. The last conclusion is, that all Canons agains the Laws of Customen of Sec 25 H. S. cap.

the Realm, are boid and of none effeg. . . wat and a die lo article and it

the survived of mus. Of the drifts of the Porefts, Agitatio Animalium in Forefts, &

The drifts of the forests are faid to be when all the Cattle as well of Commoners as of Atrangers are driben by the Officers of the forest to foure certain Pound of place inclosed, and the end bereaf is threefold, viz. First, to in whether those that ought to common be common with such kind of Catale as by perfection of grant they ought. Decondly, if they common with such Catale as they ought, whether they doe surcharge at no. Ihiroly, if the Catale as any Stranger be there which ought not to common at all.

By the statute of 32 H. B. it is enacted, That all Forests, Chales, 32 H.S. cap. 13: Commons, Moors, Heaths, and waste grounds within the Realme of England and Wales, and the Marches of the same, and every of them shall be driven at the Feast of St. Michael the Archangel next comming or within 15 dayes then next after, and so yearly to be driven by the Lords, owners, and possessors of the said Forests or Chases, or by the Officers of the same, and by the Constables, Headboroughs Bailiffs, Bursholders, and Tithingmen, within whose offices, precincts, and limits the Commons, Moors, Marishes, Heaths, and wast grounds being out of the Forests and Chases be or lie upon pain of al.), to be forfeited to our faid Soveraign Lord the King by every of the faid Officers, Bailiffs, Constables, Weadboroughs, Bur holders and Tirhing-men, as often, and at every time as the faid drift shell be omitted, or left undone, or not effectually done within 15 dayes after the faid Feath of St. Michael the Archangel, as is aforefaid. And it shall be die lawfull to the Lords, owners and possessioners of the faid Poreste and Chafes by their Officers of the fame, and by the Conflables, Bailiffs, Headberoughs Burfholders and Tiching men and every of them within the dimits of their offices to make like drift of the faid Potents. Chafes, Commons, Moors, Marishes, Heaths, and waste grounds at any other season and time of the year whonsoever, and as often as they shall think meet and convenient, a time town towns, authensing but 199m

Dut of this Ad of Parliament, as to the veire of the fozell az Chale , there s. conclutions are to be opterbed. E. Dy what pertons this orite is to be made, and therein if the fores we in the Bings bands it muit be made by aff the Bings Of-

French word 19 &c. 1 3M AO + BHes

Ayeries of Hawks

39 H.8. tit Offi-

Sir John de

Melfaes cafe.

ccrs. Br. 47.

Acers of attendance in the forest, and by four men and the Mebe of every Loton wichin the logelt, who to that purpose are included under the name of Officers. And if they be in a subjects hands, then either by the obsers of possessing of the top Fazelle, or Chales, or by such Officers, as is veroze with 2. At what tertain sime sub drift in secoles or chales is to be made? It appearet by this Ast that it ought to be effectually done yearly within 15 dayes after the fraff of St. Michael the Archangel. 3. The faid beitt may be made at other feathn of rime of the year tobenfueber, and as often as they shall think met and convenient. 4. That Rened Bogles under 15 bandfulls bigh are probibited to Common in any forett. Die the flatute. J. For Commons, &c. out of any Forest or Chafe. In theis words are included Purlicus and other grounds wherein men babe Common, and thefe are to be dathen by the owners and poffestioners of the fame, and by the Constables, Beabbozongbs, Bailists, Bursholvers, and Lithingmen, within whole offices, precincts, and limits the faid Commons, ac. being out of any fozell, oz chafe bo lie at luch times as are afozelaid,

The flatute fpeaketh De Aeriis Accipitrum, Espervorum, Falconum, Aquila-8 E.3. ltin. Pick. rum, & Hieronum, which is but in affirmance of the Common lato, for it ertend. eth to Aperies of other Bawas then be fpecially named, as to Aperies Merleonorum in boscis suis de Levesham.

A Foretter by Patent for bis life in made Inflice in Gire of the fame foreft hac vice, the foretterfbin is become boid, for thete offices be incompatible, because the Foretter in under the correction of the Juffice in Gire, and be cannot fuder bimlelf : the fame law is of a Marben of a fogelt and of a Juffice in Gire of the fame foren : Wough the offices of the Deemard and Juffice of the Forest be both Jubicial, per mether be be Dremard of the Dwanimote, og of the Gire, be is under the correction of the Juffice in Cire, and therefore incompatible.

The babe been requelled to fet boton what perfons and tohat Difficers either that then were, or which have been fince the latt Cire, and boto many forts of Officers, and what number doe belong to a Forett, which we cannot better refolbe and fariafie, then by the Records of the Eires of foretts, and specially by the wait of Smirmons of those Gires, which we have thought good to fet down verbatim, not only for antwer to the fais queffons, but for dibers other obferbations, as toe find it in the fail Gire of Pickering, with the erad and particular return of the fame.

V.c. Ebornm. Foreft, &c. Forefta Hen. Com. Lanc. Under these ard, the Bowbearer. * Four great the Forest. + Sec Cart. de

Edwardus Del gratia Rex Anglia, Dominus Hibernia, et Dux Aquitania, The persons that Wis. Eborum falutem. Summon. per banes summonitores Archiepiscopes, Eought to appear piscopes, Abbates, Priores, Comites, Barones, Milites, et omnes liber, tenences in Eir of the tes, qui terras fen tenementa babent infra metas Forefta dilecti confanguinei et fidelis noftri Henrici Com. Lanc, de Pick, in Comi predict. et de qualibet Vill. ejufdem Cam, infra metas ejufden Foreft, existen, quatuor homines et Prapoficam et Foreftan Villamm, et . emnes aliot , qui coram Jufticiar. words are inclu- ad placita Foreff a wenire folent et debent, quod fint apud Pickering die Luded the Confta- ma prox. poft fest. Santi Michaelis prox. furne. coran dilettis et fidelibus the Warden, the neftris " Ricarda de Willoughby, Fo. de Shardelowe, Roberto de Hunger-Rangersthe Agi- ford, et Johanne de Hanburg, tribus vel duobus corum que ad requisitienem dilli canfanguines noftre conftituimes Juftic ad itinerandum has vice ad Placita Foreff a pfint Comitis in Com. pradict. a tempore que Edinanlearned men Ju das nuper Com Lane, pater prad. Henrith, enjus bares ipfe eft, Plasita Fo flices in Eire of reft a in cadem Forefta virtute, concessionis fibi per Dominum E, nupen regem Anglia Avum noftrum inde falt. ultimum tennit, auditur st factur; prat-Porett. cap. 2. ceptum nostrum de hiss que ad placita prad, pertin, Fac, etiam venire coram Forettar. Virid. Fusic. praductis omnes Forestar. Viridar, et omnes illos qui suer. Forestar. et Viridar. Fareft, predict, in Com, predict, poft ultime placita predict.

cum omnibm attachiament. file tam de Virid quem Constione que, peffele. To what end che Placita Foresta funt emersa de mondum terminat. (viz.) tam de illi Atta- fummoned. chiamentis que manent infra metas Ferefia, quam de illis que manent extra funmoned.
Forest Fac: erram Deniel coram ristem Fusicaria tribus vel ducham coram Royardatores ipsus Condità in baleva tua. Ita quad habeant ibi omnita Repar-Resudatores, da sua sicilia sua sienat. E omnes Apistatores prasat. Com. in cadem baliva sa cum omnibus Attachiament. El habeat ibi sono & hac Breve. T. Trainess meipso apua Westin. 17 die Augusti, Annoveni nostri 8.

Ad quad breve Petras de Saltmer b Vic. Eberum retornavit qued fecit plemem retorname il inc brevia flugani de Nevill balliovo libertara M. Cometablida.
Honor, de Pickering, cui execusio illibri brevia reflas facionale gambioni. Nors, che puni
fpond, qued summon, fecit Archiepiscopos, Episcopos, Abbates, Priores, Comimites, Barones, Milites, de omnes libera tenem, qui terras de sancmenta points of the
habent instramet. Forest, de qualitet vill esu dem Com, instra met a quidem Forest, existen, quatar homines et Praposis, et Forestar, Villar, et omnes alias qui arrum Justiciar ed placita centre solant et debent, quad sint apud Pickering ad diem in brevi pradict, content corem prafat Justiciar tribus vel duobus corum, auditur, et fattur, pracept domini regu de biss qua ad pradict. placita pertinent. Et quad remire fecit Foreffar. Viridar, et omnes illos qui fuer, Foreffar, et Viridar, Foreff, prad in balliva sua post ult. placita prad, cum antribus Attachiamentis prad tum de Vividi quom de Venatio-ne que policules placita Foresta Inno emersa et mondom terminate. Et attace quod venire fac caram ciscam Justica teibus viel duobus antre Lagarda das ipsius Comitican halliva sua, ita quod baberent ibi omnia. Regarda sa sicil-lis sus signat, et omnes Agistatores prafat. Comitis in cadem balliva fua cum emmilus agistiquentis prous Patet in hetory fahedula fas quaditto attachiata.

Nomina Fo ret or Viri

Sis 8.

Achiata.

Inivitive In annual policitation de Percebay Miles and inflator man that is a some process of the control of the con

Foreflate Dufted Porte aus Recepts de Leiceles de la contra de Bent de de la contra del la contra del la contra del la contra de la contra del contra de la contra de la contra de la contra de la contra del contra de la contra de la contra del contra de intersor of Adam de Brais and dont fun vivian. In confine from a ci tenementa que be tout setter mit ad Ratul, reddend, ideo Vic. Estric 4. emples expression sette for pred Ada quon que. Sec. Police de confine sette de cert finem pro rotulu predictine. Capital de certalité. Capital de certalité.

set, ac extractive.

Regardatores Johannes Boje. Regardatores Johannes Boje. Rogerns de Stapleton. Carta de Fine La Caprella de Stapleton. Caprella de Caprella de

Hugo de Nevill

or appear described and the same described of tenement of the same of the same

Regardator 13

To what end the Officers at Lamoned

Nomina Foreft & Viridar. qui fuerunt.

Nors, the punctual and direct anfrer to all the

one to estrios . WIW

Subforefta. rii S.

man that is a כפתחסו כמפכעום the office herry and her Deputy

" Nota, A. W .-

· Viridarii 4.

there may be .210E

eun emnibus abgeingnemade Lagent with brauferr it ni ann de file Richt

Monine Foreste, auge iffine Foreste, et erran qui fuerant Foreste.

enian sedederes de todische Control of the control

Henry de Ripley Capital. Foreft & Petronille de Rimbiory alterias Forefter.
Thomas de path. Sur feeds Poreft a de Picketing motions forest and

Dobli le Menson "Capie, Poresta Hugor de Teland For Cupidis Poresta Thomas de ciente de Capie State La Brown of Capie State Comming of the Capie State State

predict, placita perinset a frie Tombigin fred achter iridar, et onnes alles que fuer. Vorestar, et briedar, bores, pred inballirea sua post ule, pla-

The state of the sound of the state of the s

Toming Subfrieftat, qui fuer in Fought the post hit immin tree, der and

Galfridus de Hawly. Fohannes Ronceby. Robertus de Migan 1999 Rogerns fil Nich. . comen so as word T wefer arde Attentible Kynthorpe, ethistotophe Forcher in tee

Adamus fil. Willielmi. Fobannes de Nevil.

profit of the state of the stat

The Law of the Folent, that the Bruis qui doit fur Viridar. in Foresta pradict, et nullus est qui ve-

-od be tunnered that ad Rotul, reddend. Ideo Vic. seiferi sat, ammie terras et tenementa qua be soip bas fuer, prad. Ada quousque, &c. Postea venit Williames B. plins sint bas besieblus sait res, et secit sinem pro rotulis pradictis, & admittisa pen 40 s. print base in eracifiel mires rotal, de extractis.

If the Merveroz alien bis lands oz ope leues, and no man bringeth in the Wolls. then hall the Jano by the tam of the Horest be seises by the Aberis, which then hall the Jano by the tam of the Horest be seises by the Aberis, which the state of the Heregon hab, hall the wolls be bringly in another the solution, then the state of till be made the hall the will be of the Confer le made, and the Chity is, as is next solved above.

The state of the st

dimenge i dand, Interventione in auter et tenementa teneper une effendend. Ge.

Hage de Nevill.

3f

Af the Marchen of the Fozest ope, and his brin, or Certanant bring not in the Molls, or his beit or Certanant halbanswepfozeth famound a bring not in the Asi, or Ann beseit is to be obtirbed, that where the fozest of Pickering was appear as Asi, or want or beidinging to the Caste of Pickering; that he that is the Constable of the Caste of Fozest Chief Marchen of that fozest. And is it is of the Fopelt of Windlor belonging to Windlor Caffie of the Fopels of Rockingham, and all other Fopels belonging to Caffles. And accordingly bert you may observe, that the office of Constability and mastership are in this Recept conjoyed one with the nehon so raitand de graces et ete Faje de la manta de la conference

Philippin de Monte Comert que fequitur pro Domino Rege, petit verf Ra. Trin.14 E.t. in dulphum Quintyn Ballivam cuftodia libera Haya Regis de Alremas qua per- Soff. tin, ad Serjantiam Regis Seneschall, Foreste Regis de Canoco, & qua abea-dem Serjantiam alienata est sine ascensu pradecessorum Regis Regum Anglia. Et Radulphus venit, & per licentiam reddit Domino Regi inde feifinam Sam, Oc.

The outp of a Woodward both appear by his name, and by his oath. Nomina Custos forestafunt notæ rerum.

Hil. 13 E. 3. it is thus refolben : Quilibet Woodwardus fecundum Affifam Fo- Hil. 13 E. 3. Coreftæ debet portare hatchettum, & non arcum & fagittas pro finistra suspicione ram Rege Rot. venationis deponend, ad præfentand, tem de viridi quam de venatione. Et videtur 103. Eborum.
Instic, hic & Concilio Regis quod * Capreoli Anglicà secon Gran Follonia B. 3. itin. Pick. Justic, hic & Concilio Regis quod * Capreoli Anglice Moes, funt bestiz de War- acc. renna & non de Forelta, eo quod fugant alas feras;

Bedelius is an Officer of the Fozelt, that both warn all the Courts of the Capreoli. Fozett, and both execute the Proces of the Fozett, and make all Proclam as well within the Courts, as without 5 and is berived of the Paron word der, to call og warn, og of the French word in Normandy Bedeau, a Bailiff ag Apparitoz.

A Mafter of the Bame of the Fozeft.

Menfis vetitus, fence month, og defence month, fo called, becaute it is the Cart. de Foresta fairning manth, when the Daes bave Jawnes, for the preferration whereof they cap. 8. ought to be fenced, and defended from burt and disquiet. It contained a month containing 31 dayes, and beginneth in the fifteenth day before Piolommer (that is, the Pativity of St. John Baptill) in the beginning of which a Swanimste is to be belben, and enbeth fifteen dapes after. Dee the Dtatute of Carta de Foresta, cap. 8. whereby it is enades, quod tertium Swanimotum teneatur in initio 15 book is veratione dierum ante festum Sancti Johannis Baptiltz, quando Agistatores nostri convemunt pro * faonatione seu feonatione bestiarum nostrarum.

This word faonatio or feonatio, is derived of the French word faonier, that is, to famne, og fog Does to being forth, ec.

Dee Rot, Parl. 18 E. I. fo. 3. nu. 37. the punishment of a Fozefter foz boing which light tretpalle in the Fozelt.

If the ming of other Lozo both pardon a trefpaffe in a Fozelt, and the offender at a Inflice feat by his learned Councel pleas the fame ; in the proceeding 19E.3. Itin. Pic. thereupon we do observe two things. First, that by the law of the Fozest, befoze fings ease, any allowance thereof, the Justices charge the Pinisters of the Fozest to enquire "This is the whether the belinquent bath some any trespalle in Wert of Wenison after the word of Carra de Date of the pardon. Deconoly, when the pardon is allowed, then the entry is, Foresta, cap. to. Quod invenit manucaptores quod amodo non forisfac, i. non delinqueret aut e Ibidem Rob. peccaret. But if an offender be convided for trefpaffe in the Fozeffin bunting.gt. Saltmerther cafe and adjudged to be fined of impeffoned; which fine, though it be paid, pet thall be d Carra de Fofind furcties for his good abearing, ac. in thete words to d Quod amodo fe bene reft. cap. to. forisfactura pro delicto.

By the absence og non venue of the Justices in Gire at the pay of the absen- liamdekynthorp ment, the Julice feat is discontinued, and bow and by what means it may be fo. 165.

* Roe-bucks.

16 E. 3. fo. I. a.

which ought to be amended, and made famatione or fematione. which fignifieth aRor. Par. 18 E. r

7 R.z.cap. 3. .00 q.B. priontinues and refummoned , it appearath in & B.3. Timeto Pickening. Ho Jury that be competted by any Difficet of the Bosel as any other perfor inhartoever, to give their verbicon any other place; then where, their charge is given, highlat their good will, not by malice, menace or other ourses half he con-framed to give their verbin of attribulle in the Fares, otherwise then their con-

leience will clearly tillion them. Whip Main extendeth to Foreits only.
Alignit chare building beatly that he no beatly of Foreit, an theretisch, ac. and tome beatly and totales that he no beatly and totales and totales that he no beatly and totales of Marren, get if any man bunt bul bamb at them within the Forell, it is ageint the Milala and punishable by the Lawes of the Fozett, foz all manner of hunting az batching there without war various unlatofull propriately it with wieter the healty of the

zens of London had this priviledge before this Charter. 42 E.3.3.2.in Trans.

+ and onne

Carra Regis H. I . Le pia Charten grantes. Quod Cives Londoniz hacivisus London. beant jugationes juga ad fugandum ficut melius. & plenius habuerum antecelloNota the Citires corum, festicet Silre, & Middlefex & Suer.

The king being telter of a Rozell, vie grant the Fogelt to another in fee, the grante fall have no fozelt, because he bath no power to make Julies and officers of Angelt to hold Courts, ac. but per though it cannot take effect ex vi termini, as a foreft, pet together with the Game the fame thall paffe as a free Chale for the Savages and Contes ; for as bath been late, every Forest is a fre Chale. & quiddam amplius.

Chaces of ad communem legem, and is not to be quised by the forest Lames,

and fo are Barks.

See the first part Sed. I.verb. Tres. ou tents.

Regist.8.b.

But if the King both grant a Fozell to a Subject, and granteth further that myof the loftiures, on requell made in the Chancery, be and his hetre fall have Juliet of the fothen the Subjen bath a Fogelt in Law, as the Duke of Lancafter bab the Forette of Pickering and Lancafter, and the Abbotof Whichye bad the Forett of Whitbye in the County of York, which being not underkand, bath been the cante that Beavers and others have erred. Vide 12 H. 7. Kelw. 13. & 14. &c. 4 E.3. 55. Malins cafe. 2 H. 6. 15. Foreft de Bamore, 27 H. 8, cap. 7. 1 E, 3. cap. 2. 22 E. 4. cap. 7. 32 H. 8. cap. 13.

Mich. 18 E. r. in Eborum.

Ricardus de Corpubia & 9 alii attach, fuerunt ad respondend, Fohanni de Banco Rot. 155. Sallaye quare ipfum ceperunt, et in prifona detimerunt per decem feptimanas apud Caftrum de Knaresburgh, &c. Ricardus et alit dieunt qued Caftrum et Honor de Knaresburgh, cum Foresta de Bestaine fuit aliquando in feifina Domini H. Regus, patris Domini Regis nunc, et es tempore fuit talis con-suctudo in Foresta pradicta, qued si quis indictatus sucrit per Forestarios coram Seneschallo ejusalem Honoris de transgressione de vonatione facta in eadem Foresta, idem Seneschallus tales transgressores ubicanque fucrint inventi infra eandem libertatem pradicti Honoris liette potef arreftare et imprisonare, et cos in prisona detinere quonsque satisfecerint de transgressione, de. Rex Hen. dedit pradiet, Honorem cum Foxefta, &c. Ricardo fratri fuo Com. Cornub patri Edmundi Com. Cornub. qui toto tempore suo usus est tali libertate arrestandi, Oc. Fohannes è contra dicit, nullam talem fuisse consuetudinem arreftandi malefactores, nifi quando capti fuerunt cum manuopere, et bos ab antiquiore tempore, quia idem Comes non habet ibidem Forestam, sed Chaceans Et quod tempore Willielmi de Stotevill Domini dicta Chacea qui dedit Regi F. diltam Chaccam, et tempore dicti Regis F. et tempore Regis H. patris, tum dicta Chasca fuit in manu sua, nanquam arrestaverunt aliquos de transgressione in Chacea illa, nisi illes qui capti fuerunt cum manuepere, et hoc offert verificare per patriam, &c. Ricardus dicit qued non poffunt pradictam verificationem fine pradicte Com. verificare. Ideo prac. eft Vic. qued fum.

pradict. Com. &c. Confimile placieum & confimilis responsio in codem

Rotulo. Item, al. in Rot. 163.

By the grant of a Foreff a Chafe palleth.

Nora, capti cum manuopere.

Parkey and Williams

南西!

thing R. 2. granteb to Thomas Dube of Gloucekardn special falleg the Course Roser all.
of Baint Bridgell, and the Rosell of Bean, (whereby hathing patters at pattern mu 13-2.8 M. faib, but a Frank Chafe) now by authority of Parliament it is enaced, that the doction of the decision of the state of the decision of the state of th Por the beafer of Chale and the control of the Associate of the algorithm of the control of the

But what bods the title of the Courts of Cite of Foreign but the town of Ablant?

Since antiver; taking our example of the Maje wer Pickering which some set Sidney
Earl of Lancafter; Placita Foundte Henric Commiss Lane, the Districting town, apad
ford, & Johanne de Hambury; Julistaries all itinous algebras political legions. 4, 2 1 and
fix predicte in Com. Boorum affigure die Luna phraspolitical legion legion.

Chaelis, Anno regni Regis Evs., poli Conquestion affigure and and account to the line.

Many felony be committed with a the property the mountaine selection and the Committee and the committee of the Committee and the confidence of the Forest and the state of the forest and the confidence of the Forest and the confidence of the forest and the confidence of the forest and the f

pro Venatione Regis non eft hickennightide add . 2011a al cus enedi a d

Nota, Befoze Scroop and other Justices in Dire, according in the source of V. Caram de the Common ladio, a mini thaines to be quit of pullicage of the soungs Fozes, Forest cap. 16. and also be charined in the same Fozest passange of the country puragistics; and kelw.150.b. for that this belonged to the Justices of the Fozest, they should not meable with V. 21 H.7. 22, it. Another reason of that is, the words of the statute of Garca de Fozest cap. 16. & 30.

Presencenture apitalibus Justiciarismostris de Fozesta; cam in partes illas wene. rint, & coram eisterminentur. Do as the termination and eming thereof belongeth to the Chief Juffices of the Forett, by the cipfette words of the Platute. And where the Statute latth, Coram capitalibus Jufficiaries noftrier &c. It is to be known, that there is but one Chief Julite if the Fozelle snothis the Trem, and be is named fufficiarins itinerans foreftarum, &c. citra Tremam. And there to another Capitalis Jufticiarius, and be is Jufticiarius Itineratis omnium forestarum, &c, ultra Trentam; who commonly is a mon of greater pinnit than anowienge in the Lawer of the Fogett. And theretoge when Antice lents are to . ho of share be bolben, there be allociated to him luch as the ming hall appoint, tobe toutther Porthete allo with bip that determine omnie placita oc. forette , with a Patent abs non Whated a no omnes, and a Writt De admirtendo, &c. And the Chief Audite of the Forest, water problem omnes, and a court becamerendo, come purpoles and infined Capitales in ic. Sai , Trim Pic and the Capitales in ic. Sai , Trim Pic and of the Merceroes and others, that to lome purpoles (as half been full) have in the loss of william of the manufacture.

And feeing, as it buth peroze appeared, the total Lames differ in many from the common Lame of Bogland, it is good realous frey floure be received hefore men learned in the Lates of the Forett, as in other tales. As if a spelmane be some either in Wert of Wentlon in any Foren in the bands of a bables, duthe the contract lite of the ancettoz, Logo of the Fozett, it hall be puntibed in the ure But fait is not in the Chales of Parks of a Sublea, the by the Common lato Actio perfonalis moritur sum perfona!

Active personalis moritue sum persona.

If a man committed a trespalle in a Fozell, and ope, by the fozell Law the trees rught patte is dispundibable, agreen ble to the true of the Common late.

But by the Statute of 19 H. 7, he that that talk with any but by beath in any 19 H.7, can is bout by the Statute of 19 H.7, be that that talk with any but by beath in any 19 H.7, can is bout by the Statute of 19 H.7, can is bout by the Statute of 19 H.7, can is beath and person that will sue so the same by action of well, subsection to keeping of no manger of law, protection, as elsoyn that he allower, and two Justices of Beath Nets called may reason the lame, at. See the Statute of 1 H.7, cap is See the three part Decembers and Buckfalls by any that hath not any Fotell,

"Ifa Rozetteribip az a Bailiwick of a Fozelt be grantes in tee, ifit be found out at an Cire for the Forell, that the grantee hate milione in his Ballivich, Park, or Chaise the Ballivich is forfeiten. Note, the Julices in Cire have power to enquire "26 All p. 60. thereof. In these offices of Foresterbips or Ballivicks in fre within a Forest, after they have an abilinte for simple therein and the second state of the secon rell, aftert they babe an abislute fa fimple therein, pet are they of furb trait, that

F.N.B.coff .un

For the beatty of Wa subeing

for first part of the Laft, 39 3 -1

the Chief try Felonia.

Ats Regis Transgressio.

William of Per-Lays Bertol 189. riflette.

Mallink

foguisto.

F.N.B. 236,1 .ua

this Treatife, fee the first part of the Inft. fect. 378 -1 Rot. Par. 18 E.1 -DU. 20.

Lutra animal e 12 Emadidema fr tig. Felonia.

Ma Inos Tranfgreffie.

V. Carram de Foresta cape 16 Temps E. g. Kelw.150.00

Lines inter

Cart. de Forefts, nis Capille that 68. And fo is is to kon & Basicave von birnd snetio a Ordinatio ve-Arifotle.

Aristotle. fingularis.

Marine Lagari Graci.telag In this Amiled war efolio author fello in Gere ha mire Deer ha mire Backfalls by

siny that hads fine any - Fix it. Wark, or Chaic. 26 All p.60.

fair olays they canada his grantes over mithout the Mings license, and before such license be N.B. 226.1 apraiges, they grath substitute of Ad quad damages to the ming, if such license of Parliament ivie enaces, Third

Chase and Warchase and Warchase and Warchase and Fowls of Bart in Summer, the Dinne in Winter, and fall that proceed as of them: the
Warren being
one proper to
this Treatise see and male and their grances of them; the Bare male
this Treatise see all male and female, and their proceed : the For male and fethe tracorred , the Partin male and female : Capreolus the Koe, as it meen in not pattof the Forett, but it is a beatt of Chale.

appearate helicopis na prantitue ropes, but it is nature, space in 100 li, pro uno cervo de duobus * lutris caprisian foresta do fiek, and the petitioned to the listing in Parlia neutro he discherged thereas and bean denied. Het I take an Otter is no there of the Angell a but all hunting in the Forest, as bath ben said, is unlatural. The process of the Bart and Pinde. The Bale the sixtyear a Calf, the fe-

onet, the chieva spayar, the fourth a Staggard, the fifth a Stag, the firth a Bart, and to after. The Frmale, the first year a Calf, the lecond year a Mehets Aftenithochin near a Dinde-ville

. 113 The marcando of the Much and Mog, The first pear a Fawn, the lecond pear a Pozchet, the thind a Mozelly the fourthin Moze, the fifth a which at the first bead, Le .T.H 12.V (the firth agreat Bush 920)

of 2 .d. The procease of the Bare, the first year a Leveret, the freund a Bare, the third a great Bare. Of a milbe Boar; a Bigge, a Bogge, a Bog fear, a Boar,

snoafter a mangliene notant of the Rozell far the Beatts of the Rozell are thele. Of the Davenue the Buch beginneth at the featt of D. John Baptift, and enbeth at Die Mond bay. Di che Pines and Dac, beginneth at Bolyzood and continueth still Canalematte. Di the For at Chriftmatte, and continueth till the 25 of March. Df the Bare, at Dichaelmas, and laffeth till Piolummer. Df the Boar, from -Christman till Canblemas.

In the Statute of Carra de foresta in divers places Venatio Conificth Meniton in French Venailon, and lo in effect in Dutch and other Languages. It is called Mention of Vensilon, of the mean whereby the beatts are taken, quoniam ex venatione tappuntur, and being bunted aremost tobolelome. " They are called beatts corners, the of Wenary (not Wenery as fome term it) because they are gotten by bunting. So vesifend Ham. Leaft of the Fazeff thatis felivagum a nocivum is Wentlan, as the For, the wholf, the Martin, because they be no meat, but care corum est nociva : A fortiori, the Bear is no beatt of the Fozelt and tohatloeber is Mentlon mult be a beatt of the Forett nied non è converso. On the other foe, Animalia gregalia non funt no-Sanglier, quia civa, os the birth Boan, tor naturally the first three Pears be in Animal gregale, ingularis. and aften trutting to his other three of man becometh foliwagum Deis then called Sanglier, becaute be infingularis, but he is deniton and to be eaten. The Bare is Meniton alto, which the Wast preferreth before all others:

Tatis dater quadrupedes gloria prima lepus. So as the Red-next, the Fallow-dex, the wive Boar, and the Bare, are Meni-lon, Makeremponichele two conclusions in the law of the fozell noth follow. First, what locket, healt of the Fozell is to 2 the food of man is Menilon, and therewith agreeth Virgil, peleculing a featly.

They had their belly full of old wine, and fat Meniton. So Meniton was the

principal bilh of the featt.

2. Embatfoever beaft of the Fazelt is not for food of man is no Menison. perefore Capreolus being no beaft of the Forest, as hath been laid, is not by the Ethe Fozelt Wenilan, foz though it be food and taken by bunting, it is no menifon. Bature bath endued the bealts of the Fozelt which are menifon with two qualities, fmittnelle, and fear, am their fear encrealeth their fwiftnelle.

Pedibus

tenneth not to them

Redibus timor addidit alas : but pet the Deer are the mail fearent.

Dente tuetur sper, defendant tornus tsuram? & mins fino f and Imbelles Damie quid nifi præda formus pausin at ol name ibnana

Paving frehen fometebat de Venatione, it followert that me foutla les forces De viridi, vire-tabat de Viridi, because the Statute tatth, Lam de Viridi, quam de Venatione, tum, virectum, sus other Seatures speak of Mert and Mention.

viridis. Czendue, à viridicase, the french call it Mern, and not tilett, holation thener heareth green leaf, but specially of great and thick saverts. Indicases and inverse hindu. Some that, heaveth fruit that may being as hell saylond of men sis of hearts, as Bear tries. Chefunt tries, Applicates, bethere these as hell saylond of men sis of hearts, as Bear tries. Chefunt tries, Applicates, bethere these and the forest. This is a some called. Haut-boys, serving sur some saylond and hearts are necessary for a same saylond and defense and aniquam sylves. Ballon, Beller and hesence, as Baples, se. Some say beart and selence as boys, the saylond and some saylond and some saylond and some saylond. The same saylond and some saylond and some saylond and some saylond. The same saylond and some saylond. The saylond alta servine. Blackthogn, se. some say healter, as Merches, as the Bainthogn, se. some say healter, as Merches, as the Bainthogn. Some saylond and surface and saylond saylond. The saylond saylond saylond saylond saylond saylond saylond saylond saylond. The saylond saylond

fenneth not to them.

A Viridi commeth, as both bernlaid. Viridarii, because their office is to see to the preservation of Meri, bobic, in track is the preservation of Centlan. The Poet speaking to the trees saith,

-one Onercus es in fylvis pulcherrims Pinne in horris ways & add mort daer ad Populus in fluviis, Abies in montibus altie in Lu is simul, eminos auporto

See for the punishment of trematic some de Viridi. either in the Rings woods, ar in the woods of the Subject, Confuctud. & Affil. Forest, ubi supra.

The Philolophical Poet in bescribing she most pelighthilliplastices of modes, or and Press bus, latte, of an arrange and as land as evolution and a in it com to an

Derenere loco fatos, & fantification and park first of states so foots to the foots one

The Foctonatorem nemorum fedelight bearis, and mother find Pirgil. And becaule it hould be bard and distributions promotionly burd and kill a Of Reise of the Aings Week in his Forelland patte samplimitation distribute on his forelland patter and decided by the first of the forest and decided and decided patters of the first of the first and decided and decided patters of the first of the fi chales are enclosed by metes and hounds; and as a Park cannot be a Bark of the included without slich an includer in very, as to anocetato, to it can be neither to be not received.

&c. Cart.de Fo-

Kogill. Judic.

De. viini , v. re. - 10 173 ha - 17. or S.g.o. 951 3 12.3. 810.8. A zamha De fin'de Frent.

11 . Ca. 1 . Co. 1 H Mil. 1; E & C. ramRegelo 103 ... wikepean studeft may alta fermunt. Dent. 30. v. 19. P Confuet & A.G. fig Forch c: 2 .2.7.1.20

chafte thespent an inclounce in late, that is, by meter and bounds. Meta funt claufurz Foreftarum & Chacearum ; and Fotefta eft locus in quo fera Includunclaulurz Foreitarum & Chacearum; and Foreita en socus in quoters includuntur, venandi ergő, solis mecis. And sobere by the Statute of & E. Ir. cap. 18. it is provided, quod omnes metz Forestz sint integra domino regi, that is so to be underthose quosd jurisdictionem & imperium, & non quosa dominium; say if meets of Digh-tospes be bounds, as must commanly they be yet the king bath no more interest in the Soil, May, Arber, or Fishing, than arright he ought, but onely so his successful will extende to over the whole will be soil, and other woules, arres, or, of other men, and soils, better the soils and other boules, arres, or, of other men, and such the best of the foreits, yet thereby the Missy bath no integral to the metes and bounds of the Foreits, yet thereby the Missy bath no integral to the metes and bounds of the Foreits, yet thereby the Missy bath no integral to the metes and bounds of the Foreits, yet thereby the Missy bath no integral of the missy business. inch like, be meter and hounds of the Fozells, yet thereby the Birg bath no inteced in such Wills, boutes, or crees, or. And therefore did Moodmen have divided meters, quoted jurisdictionem & imperium, into meter inclusive, as Mayes, Rispers, or and into meter excludive, as Churches, Church-yards, Chappels, Pills, Bonles, Leas, or. Which bound the Fozell, hat are excluded from any jurisdiction on any that the fate late of 6 E. 1. is intended onely of meter inclusive, it and man hill of huntany of the Kings Deer in any part of the Kings, Bigh-hoay, as being an includive bundlery of the Fozell, he is as great an offender, as if he date hilled of photos within the main continent of the Fozell, about the late and integers of the loil of the Digh-hoay or Kings he notice men; but neither of their hinds of meters and bounds are remobable, because they are the inclusive of the lines of meters and bounds are remobable, because they are the inclusive of the kings Fozell, and if either of them be removed, it is punishable by the latues of the Fozell. This work metals only uted in this Statute: In ancient perambulations and recozds you shall read secondum metas, warras, builds & marchias sorelia; Mara is retched from the Daron work wire, and that of price. Grace, which significant to obtain by bound. Bunds a bound, is derived from the Saron work book bunds. Bunds a bound, is derived from the Saron book bunds. Bunds a bound, is derived from the Saron book bunds. twozo Bunna, fignifping a bigher thing, as Dills, Doutes, Trees, or. Marchia is deribed from the Daron mord March, noto a marh. Sed mere accipitur pro quo-

*8E.3.Itin.Pick. fo.6. Mera. Bundz. Marchia. Mera.

Virgil.

Regist. Judic.

Perambulations of Forefts according to the ancient meter and Vid Sup.pd. 302; Rot Par Anno

Ha Accus .

egen the manage of the Southfeet. Confuerus & Aint i oreit, whathepresses And it in toiberouteroup, that w mine may have a free Chate as belonging to bis Danoz in bis olon Woods, as well as a Warren og Part in bis olon grounds ; 35, 36.

Dier 16 El. 326, for the Chafe, Warren and Park are collateral inheritances, and not illuing out of the foil, as the Common both , and therefoze if a man bath a Chale in other mens grounds, and after purchale the grounds, the Chale remaineth.

After Caffer following the Barliminent bolben in February, Anno 9 H. J. accorning to the Atotute of Carrade Foseha, Hugh de Nevill, at & Brian de Liffe Commissioners to take Inquisitions of the aucient metes mi inter boundereffach Ragette, as either H. a. of any Sting after hab inlarged. The cheveign of H. 3. nivers Perambulations, and Benforeflations mere niabe and many other in the velgna of H. 3. E. 12. E. 2. and B. 3. 60. All bified were returned into the Changey, and remainsfracted in the Cobser. And the Changey, and remainsfracted in the Cobser. And the child under the Changey, and remainsfracted in the Cobser. And the child under the Changey and the child under the child unde

the fagelt of Empetene, namele for taking their Cattel comming thereunto The good old a togeth. The good old lawes and customes of the forest to be observed and the lawfortherord contrary forbidden by a writtunder the Privy Seal. Regalis fand & digita Philips gin-fleram genere lancentie, where with me will conclude, that field at 024, De Angle opinione of accepter grounded upon the Authorites of ned fant Boeba pe Mubical Prestoene, ner eine an en foreiben bett giere bett giere beit giere gie

abis by the good old law of the Forest, which is worshy to be advisedly read and followed. Wide ib. a.fo. 800.

7. 120. 138. Lib. 3.49.70.

Two of the principal and ancient Articles, the one concerning Menilon, and the other concerning Wert, be, Fird, that the chitf Rozefter at the Judice Deat ought to answer for all manner of Wentson delibered by warrant, or otherwise, in this manner : The twelbe Jurogs ought to pretent before the Juffces in Gire the number of Dar that babe ben billed fince the lat Gire, and then the chief fozefter is to answer by what warrant the same were billed, and out marrants as are latefull ought to be allewed, and fuch as be unlatefull are to be difallowed. Decondly, the Twelbe Jurops thall prefent what Dhes, Tres, and other wood habe ben felled and delibered out of the Rozel by the Offis 8 E.z. lein, Pick cers of the fame, and they to antwer and theto by tobat toarrants the fame toess fo. 112, 113. done; whereupan it will appear whether the warrants be fufficient by no, the truth whereof thall be enquired by the Fozellers, Werderers, and Megarders. But thete of any other Dinitter of the Fozelt are not to be returned of any Jury out of the fozeR.

The Lawes of the forests of England are certain, and established by Authority of Parliament, and not, as in other Countries, changeable and flating in un-

certainty, ad principis placitum.

For the antiquity of fuch forethe within England as the babe treated of, the The Antiquibelt and furell argument thereof, is, that the forette in England (being in num. ty of Forefis. ber 69.) ercept the new forest in Hamfhire erected by William the Conqueroz, as The number of a Conqueroz, and Hampton Court forell by H. 8. by Authority of Parliament, the Forests is 69. are to ancient as no Mecozo of Diffezy both make any mention of any of their with the Forest

erections and beginnings.

Dur Ancettege the Darone called a Fogelt Buckholt, i. fylya ferina, og cervina; we bare not feth our hind of foreft, as fome do, from the boly biftozp of Seripture, for therein we find no fuch forefis as toe babe. And it is toorthy Levit. 17. 13. of obserbation, that in the Cultumary of Normandy Cap. 10. fo. 17 b. Le Seneschal au Prince visiteit les foreits & hayes du Prince & ronoquoit les forfeits, Pfal. 80. 14. &c. So as we fetch not our Chief Jutice of the foreit from Normandy, where 104. 29. 4 Efdr. the Bings Steward was the Chief Judge of the foren.

And as forefts are of great Antiquity, lo the care and marge of them has in England alwayes committed to great and bonourable Berlonages, and the like

was also in fozain Pations.

Si canimus fylvas, fylvæ funt Confole dignæ.

Fig of ancient time the Confuls of Rome bed the government of the forette. gr. But take Suetonius as be is, Ab optimatibus datam feribit operam ut Provinciæ futuris Confulibus minimi negotji, i, fylvæcollefi decernerentur : fez te fap the truth, Recreations thould not be uted as Profesions, and Traves, but to be ufed as Pedicines, to make men moze able and fit foz bigber and greater af ribus Capie. fairs, and therefoze they are called Mecreations, because they newly create this Forefie. rite, tanquam inflaurationes fpirituum : but pet thefe pleafures are accounted inter res minimi negotii. Nonnulli principes immoderato venatus studio ita correpti, & corrupti funt, ut ei omnia posthabeant magno dedecore & in ingenti aliorum damno.

Hac bis bina, canes & aves, fervi atque caballi, Dicantur dominos fape vorare fuos.

And to fag the truth, the Bunter fitteth on a Beatt, be is compaffed about with Bealts, and bunteth and chafeth Bealts: and therefore not to be used dailp as a Trade. And it was juffly probided by the Tenth Chapter of this Charter of the forest. Quod nullus de cetero amittat vitam pro venatione nostra, &c. Bereof John Salisbury fpesking of bunting and Bunters faith, In tantum hujus vanitatis inflindu erupere, ut hoftes neture fierent conditionis fue immemores, Vid 31H. 8.c. 35 divini judicii contemptores, dum in vindicam ferarum imaginem dei exquisitis quod cito evanu-judiciis subjugarent, nec veriti sunt hominem pro bestiola perdere quem Unigeni- is repealed 18 6; tus Dei redemit fanguine fuo.

Vide Regifters The commens dation of the Foreft Laws of England. of Hampton Court. Holt Saxonice, Iva Latine 4 Reg. cap.s. Pfal. 50. 10. 1.15. Jer. 5.6. Ezech. 31.6.

Virgil.

Suctonius in Cafare, Vid. Flera lib. 3. cap.35. De vete-Voluptares com-mendat ratior

Tohannes Sarum Curialium c. 4 cap. 12. 1 Mar.

Duo clariffima. mundi lumina, Authoritas & Ratio,

Thus have we wanozed in the wildernels of the Laws of the Hogelt: Wiberein we have differted from others, we have produced our Authorities, and weined our reasons, the two main lights and guides, which berein we have followed. wate babe faithfully published divers refolutions of the Judges concerning Foreft and fozeft Latos, where with we were well acquainted, which are the fafe ft grounds to build upon. Pany things which are ebident by the Lept of Cares de Foresta, and other Athtutes concerning forests, we have not so much as toutheb, but left the fame to the functions Meader, whom we abbile to beware to gibe credit to our new Authors, either bouching of Aus of Parliament, Bok-Cales. oz Judgemente in Gire, oc. foz we habe found many of them millaben, bourbed without warrant, og not underlind, which the jubicions Reader will fon finde : noz to Carta de Foresta'of Wing Capurus granted (agiris published in print) ata Parliament balben at Winchefter, Anno Domini ros 6. 400 con-Manwood, fo, I. felle that in that year, which was the first year of his reign, be beld a Marlia. ment at Winchefter, and made bibers Labor as welling the bonez and woz. this of Almindry God, as for the god government of his people, which he publifted in the Saxon Longue, (neither do we read, that he eber publifbed any Lato for England in the Danish tongue, as they affirm he diothis.) In all thefe Lawen be neber maketh mention of this Carra de Foresta, or of any these suppofed Laws of the Fozest therein contained, which he had full occasion to dee 3 foz auronge bis other lawes at the fame Parliament, be mabeth this Lain the 77. Chapter in the Saxon Longue, which is thus mansiated into Latine : pracerea autem concedo ut in propriis ipfius pradiis quisque tam in agris quem in sylvis xcitet agitetque, feras autem meas ne venetur com poena pracipio. Som in the hppotes Cartalde Foresta of ming Cannens, in the 30 Chapter, it is thus cantainent Volo ut omnis liber homo pro libito fuo habest Venerem feu Viridem in planis fuis, fine Chafeacamen : & devitent omnes meam phicunque eam habere voluero. Which we bold greatly to differ from the true Law before reheatled in the respects. Fire, that the true Law extended to woods as well as to Plains, and this to Plains only. Secondly, by that they might bunt, ac. by this they cannot ; therefore the leabe that Carta de Foresta of Bing Canutus as justip me pened, till me receibe better profef them : inhattoeber it be it is of little ufe. for to many of the Chapters therein as be contrary to, or differing either from our Magna Carta de Foresta, oz any other Act of Parliament, are certainly of no

> Thus bebe the as briefly as we could, treated of the Courts of the Forest, and incidently of luch Aogelf Laws as note Kand in force; wherein (as the flu-bious Reader may well perceibe) too habe respected matter more then method. Die Carta de Foresta Anno o H. 3, & Cart, 17. Regis Johannis, Matth. Par.

> > an interest of the contract of

of the right of the top to the top and effect in the analysis of the days of the configuration of the to the particular to green by a main beautiful in market in paint green of analysis time by the of the

Ka in Deliffyarsi, girt god an sebna i fi raju (durengra

pag. 264.

one adhibits deather he freque, ac.

and thistops both to perfound and in form of in those think perfolar.

f Ecclesiastical Courts, anciently called H mots, (i. Holy Courts) Circgemots, or ill discould misselve some Chircgemots and it square conserve

There fome may doubt , bow we that profeste the Common Late though write of Ecclettattical Courts, belie proceed not by the rules of the Common Lawes. Lothis we antwer by good authority in our Bobs, that the Rings Laws of this Realm bo bound the Juriloidion of Eccle 2 H. 4. 9. Rot. fastical Courts, and that the King is well appriced of all his " Audges which he claus. 4 H. 4. bath within his Kealm, as well spiritual as rempozal, as Archbishops, Bishops, m. 11 optime. and their Officers, Deans, and other Dinthers, which babe piritual jurisdie Rot clauf it tion. And that the Popes Collector or Dinther (to lay our ancient Boas) had a Nora, the Kings no jurifoldion within the Real or.

Ent by the Seatting of 30 Higgs

and it is bectared by the King, the Lords Spiritual and Lempozal, and the Commons in full Barltament, That the Spiritualty (now being ulually called the English Church) alwayes bath been reputed, and also found of that fort that both for anomieuge, integrity and sufficiency of number it bath been alwayes thought, and is also at this pour sufficient and meet of it self, without the intermeding Sechefore pag. of any erterior perfon of perfons, to declare and determine of fuch doubts, and to 43. for the due administration whereof, and to kep them from corruption and fini- jurisdice for affection, the Mings molt noble Progenieus, and the amereflozs of the Robles of this Realm have lufficiently endowed the faid Church both with homour and possessions. And the Laws Lempozal toy trial of property of lands and goods, and for the conferbation of the people of this Realm in unity and peace, without cavine or footl, was and pet is administred, adjudged, and executed by fundry Judges and Diniffers of the other part of the faid body politique, called the Lem. The Temporal pozalty : and both their authorities and jurisdictions to conjoyn together in the jurisdiction. due administration of Justice, the one to bely the others arrows a price applied

Df what things the Clergy bath fpitituol jurisdiction, is ebident in our they have jurif-Boas, and particularly in Cawdries Cafe, whereof there is no question. And diction, certain it is, that this Kingdom bath ben best geberned, and peace and quiet driculi cleri per prefer bed, toben both parties, that is, when the Julices of the Lempozal Courts, totum, lib. 5. f. i. and the Scolella fical Andres habe hept themfelbes within their proper furfedt. Caustier cale. diction, without increaching of uturping one upon another and tohere luch incroadments of uturpations habe been made, they babe bien the fiebs af great Sec before esp. trouble and incondenience : for preventing and averding whereof, we have come of the Chancery,

poten this Treatite of the Occieffatical Courts of the Meating. 1800

The Advertary bath made divers objections against our Arcibistops and gainst Cardinal Bishops made about the beginning of the teign of Atten Elizabeth, and by 14,17,18,19, consequent against the Bishops ever since. Airs, that they were never contes 22,24,25,39,30 crated according to the Law, because they had not three Wifbops at the least at Bradilib. cape their Confecration, nay never a Bifop at all, as was pretended, because they s, &c. being Bilbops in the reign of E. 6. were deprived in the reign of Duice Mary, Rot. Parl. 1 8. 3 and were not (as twas pretented) reftozed befoze their prefence at the Confecra. mu. 12 tion. These pretences being (in troth) but mercapils, tenbing to the Itandal . See Dier Mic. of the Clergy (being one of the greaten States of the Mealin, aust is laid in the 6 & 7 Bliz. Statute of 8 Eliz. cap. 1.) are fully antwered by the faid Scattere, and probifien g Eliz, cap. 11 mabe by authority of that Parliament for the enabliffing of the Archillops ins de capiet ad Baroniar Your. Tene He

Judges.

b Spiritual jurifdiction. 6 as H. S.cap. 21.

"If fo, then much more arthis day

z, fub tit. 'Matthem. Imprinted 1572, 13 Eliz.

39 Eliz.cap. 8.

and Bifpops both in prafenti and in futuro, in their Bifpopzicks. Df this Dia-Parker in libride tute Archbithop Parker in bis Bon De antiquitate Britannica Ecclefia fpeaking antiquitate Bri- of himself setth, Anno Domini 1550. Cantuar. Ep scopus electus est à Decano tannica Ecclesi- & capitulo Ecclesia Metropolitica Cantuar, posteaque codem Anno 17 Decembris adhibitis quatuor Episcopis, &c. lege quadam de hac re lata, requisitus confecratos est. Another objection was made against our Archbishops and Bishops, for that the Commission (veing riever involve) whereby the Bishops made in Auten Maries time were deprived before the fourth pear of the reign of Auten Elizabeth: or the Record of the approparion of them cannot be found: a therefore it was presended that the Archbishops and Bishops made by Auten Elizabeth, if ving the former, fould be no lawfull Bifpops. But by the Statute of 39 Eliz. ving the former, found be no lawrent suppopulated lamfull, as by the spid See ap-cap. 8. the Archiffons and Bifons are adjudged lamfull, as by the spid See appearery. And by thete two Dratures, thete and all other objections system our Billiops are antwered, which we bake Gought good to remember, fixing to are to frest of their jurisdiction, ut obstructur os iniqua loquentium.

Of the Court of Convocation.

The Name. FN.B. 269.B. Register fo. See the first part of the Inflitures Sect. 131. 22 H 8. Cap. 1. 22 H.S. cap. 23. Inc. leges Hen. I

It is called the Conducation of the Clergy. In England there being two Pro-binces, the one of Canterbury and the other of York, the Billiops and Bullia-gans belonging to York, are the Billiops of Dureline, Carlille, Chefter, and the Man, and all the rell of the Billiops are within the Probince

In domo Convocationis the tobale Clergy of either Probince are either prefent A 37 H. 2 c. 31. in perfon, 02 by repretentation : * but these Probiners
Anciently called and they and fir in the Barliamene time, and this car and they only fit in the Parliament time, and this confiltet of the parts. viz. where the Artibilipops and Bilhops fit, and the Lower house the Apper boute. Int. leges Hen.1 cap.8. Quoufque where the reft de fit.

Churchgemor discordances invenier, vel amore congreget, vel sequestrer judicio. * 22 E. 45, 48.

Beda.

Anno Domini 686. Augustine allembled in souncell the Britain Bilbous , and The antiquity bell a great Pound.

Newburgh l. a. cap. 13. Brack. l. 3. fo. 123, 124, 6 H. 3. Hel. 203. Rot. Part 28 E.3. mt. z. Rot. Parl. 2 H. 3. mt. 29. F. N. B. 269. BH. 6. cap. I. airilag ward diel 20 he rought 20 he

+13 E. 3. Rot.

The Cleran masmeber affembled or called together at a Combocation but by the By what au- Bings * Estatt, adjutoria Regis, as Beda faith, ubi fupra, Vid. Parl. 18 E.3. nuit. therity offem. Int. leges Inz Anno Domini 727 a Convocation of the Clergy called Magna fervorum Dei frequentia,

Parl. 26. 24. Dorf. class. 27 E. s. m. 30, 37, 25 H. S. cap. 19

What their juri (diction

Their jurisdicion was to deal with Bereffes, Aditmes, and other mer Spiritual and Ecrlelialical causes, and otherein they did proceed juxes legem dividual & Canones lancta Ecclesia. And as they could never affemble together of themselbes, but were alwayed called together * by the Bings Willit, to were they oftentimes commanded by the mings west to deal with nothing that concer-2.1E.4.45.1.pet they brings laws of the land, bis Croton and dignity, his person or his State, or the flate of his Councel or Ringoom : as to illufrate this matter to remembre one oz two eramples.

Merton cap. 9. Starkey, Brown & Vavafor. 20 H. F. 13.

34 H. 6. 39. 28 H. 6. 31. Regift, fol. H. N. B. 269. a De procurat, cler. See in the Chapter of the High Court of Parliament, Regift, 261. P. N. B. 339 21 R. Parl. 6 E. 3. nu. 6. 8 H. 6. cap. 1. 2 Chion. 39. 13. Ezerbise. Num, ca. 10. v. 1, 3, Vide fup pa. 43

Rot. Pat, 18 H.3. 2 part. m. 17. De prohibirione fact. Episcopis.

Mandatum est omnibus Episcopis qui conventuri sant apud Gloucestriam die Sabbathi in craftino Sanda Katherina hemiter inhibendo, quod ficus Baronias iuas (ques de Rege tenent) diligunt, nullo modo presumant confilium tenere de aliquibus que ad coronam Regis pertinent, vel que personam Regis vel statum fuum, vel statum concilii sui contingunt. Scituri pro certo quod si secerint, Rex inde fe capiet ad Baronias fuas. Tefte Rege, &c.

wild got the Destate of Carliffe Annoye B. fill la aribine a ed at toda al

Rex, &c. Venerabilibus in Christo patribus cadem gratia W. Arthiepiscopo 3, E. 1.

Cantuariensi, totius Anglie Primati, accarteris Episcopis & Presistis Cant. Pro- Rot. Par. 1, E. 2.

vincia ad Concilium Provinciale apud London in prousto conventuris. Manda. 5 par. m.s. promus vobis in fide & dilectione quibus nobis tenemini firmiter inhibertes ne in Rege di inhibitione facienda. dicto Concilio quicquid in nottri, aut flatus Corone nottre vel regni nottri prejudicium flatuaris, ficiatis, feu quoquo modo liber ordinetis. Tefte Rege, Re-

De illo negotio feribitar prafatis Prafatis per literas de credentia, ut in Rotulo o cooking act of the true of at mis-

claufarum fub eodem datu continetur.

Prohibitio fact Archiepiscopo Cant, & Clero conventur, post foltum Sancti & E. z. dot Citati.

Barth, quod nihil attemptent in prziudiciam Coronel Clerica an R. 2. ton. 3. coms | mis le nous

Lienge under the Ming die often appoint Commissioners by Most to It with \$1 E. 3. no. 44. them at the Combocation, and to have commissioners they ding as they meant to 45 E. 3. no. 44. them at the Combocation, and to have commissioners they ding as they meant to 45 E. 3. no. 44. the classific that nothing hould be described public, or lookers. And they meant to 45 E. 3. no. 44. the classification of the Combocation of the Combocation of the Combocation of the Comp, which were contractions or telephonem to the 19 E. 3. Quare mings Postogatibe Moyal, of the Combons, Canada of the state of the mon admist acc.

Meather is but declarately of the old Common late.

Mar. cap. 8. the Preroratives, and Lawes of the Crown layed. Verfin farm.

But by the fall Ma of 2 4H. 8. theft furtablaton and pomet is much limited and what their Each by the faid Met of 24 H. S. their jurisdiction and power is many united and proaction. Attaited concerning their making of who Canons: for they mill have both his jurisdiction cente to make them, and after they be made, the Mings Noyal after trailion now is, them, before they be par in execution. But in the end of that Met there is an expected Problem, that nide Canons as blere in the end of that Met there is an expected Problem to the Mings Problem that before that Met the Canons as blere in the Canons as the Canons as blere in the Canons as blere in the Canons in the Canons as the Canons

onvocation, did not bend the Clerky bends the mings Mohn until (2). Bing H.S. was acknowledged Supream Dead in divers Conbocations.

And if any caufe fall depend in contention in any Ecclefattical Court which 24 H.S. cap. 12. may of thall court the ming. Die Baile at Besselfer, and party aftebed thail of I aliz cap. 1. may appeal to the Esper boute of Conbotation within 15 dayes after tentence giben.

giben.

My there be two houses of Condection, to are there two Protecutors, one of the Bishops of the Higher bouse, chalen by that bouse, another of the Lawer bouse, and pretented to the Bishops his their Beslacutor.

It is called Compaction & Convocando, because they are called together by the mings white.

The Cierus of the Conducation called by the mings white, and their terbands a 126, cap. it and familiars shall have such priviledge in comming, excepting, and going, as significant ment, and Commingure of this mealm, talked to the Sings Parliament.

26 H. S. cap, I.

Askled eather to bede preceded eccepting to the tentures of the Church, end come not in any cete bate consquered with the property bate entered to be been sufficiently become action to be people and applicable the bate entered to be by the objection of the constitution of the constitut

Pantiennent contenting and exactifying the 39 Articles of Meligidit agreed upon as a Composition of the Chieff of England, and estilited by Critical Elizabeth under the Greek Beat of England. Another by Canadia made of Confocation 13 Eliz. ca. 13. Of the Chieff of England, and ratified by Ming James, up to altografie.

At a Convocation of England, and ratified by Ming James, up to adopt the Clergy of tion holden at England at a Convocation to Confocation of the Convocation of the Con

z, fub tit. 'Matthem. Imprinted 1572, 13 Eliz.

39 Eliz.cap.8.

and Biftaps both in præfenti and in futuro, in their Bifpopzicks. Of this Dia-Parker in libr,de tute Archbifbop Parker in bis 1808 De antiquitate Britannicz Ecclefiz freaking antiquitate Bri- of himfelf fetth, Anno Domini 1550. Cantuar. Epicopus electus est à Decano tannicz Ecclesi- & capitulo Ecclesia Metropoliticz Cantuar posteaque codem Anno 17 Decembris adhibitis quatuor Episcopis, &c, lege quadam de hac re lata, requisitus confecratus eft. Another objection was made against our Archbistops and Bistops, for that the Commission (being rieber involted) whereby the Bistops made in Auten Maries time were deprived before the fourth pear of the reign of Auten Elizabeth: or the Record of the approparion of them cannot be found: etherefore it was merended that the Artibilies and Biffope made by Quien Elizabeth , Ifving the former, fould be no lawfull Bifpops. But by the Statute of 30 Eliz, cap. 8. the Archeithops and Bifbops are abjudged lawfull, as by the this de anpearery. And by thete two Dratutes, thefe and all other objections spained our Billiops are antwered, which we bake Cought and to remember, fixing we are to treat of their jurisdiction, ut obstructur os inique loquentium.

Of the Court of Convocation.

The Name. PN.B. 269.B. Register fo. See the first part of the Inflitures Sed. 133.

It is called the Conducation of the Clergy. In England there being two Pro-binces, the one of Canterbury and the other of York, the Billops and Bullia-gans belonging to York, are the Billops of Dureline, Carlille, Chefter, and the Man, and all the rell of the Billops are within the Probince 23 H S. cap. 1. Of Canterbury.

23 H.S. cap. 23. An domo Convocationis the tobale Clergy of either Province are either present & 33 H.S. c. 31. in person, at by representation: * but these Probinees
Assistant and they only lit in the Parliament time, and this conflicts of two parts, viz.
Churchgemote. the Appet boule where the Archielbaps and Bishops fit, and the Lower boule lat. leges Hen. I where the reft be fit.

Churchgemor discordances invenier, vel amore congreget, vel fequeftrer judicio. ? 22 E. 45, 46.

Beda.

Anno Domini 686. Augustine allembled in councell the Britain Bilbons, and The antiquity beld a great Spuod. atum pil selecte ulat in macyunerin cerinariticor edi.

Newburgh I. a. cap. 13, Bradt. l. 3, fo. 123, 124, 6 H. 3, Hole 203. Rot. Part 26 E.3. mt. r. Rot. Parl. 3 H. 4. nu. 19. F. N. B. 269, BH. 6. cap. Ingining woun dial auf le man radie adl in arabim Ga de

The Clergy was neber affembled of called together at a Combocation but by the By what au- Bings * Calzit, adjutoria Regis, as Beda faith, ubi fupra, Vid. Parl. 18 E.3. nuit. therity effem. Int. leges Inz Anno Domini 727 a Convection of the Clergy called Magna fervorum Dei frequentia,

13 E. 3. Rot. 16. 24. Dorf. class. 17 E. 2. m. 30, 31, 25 H. S. Cap. 19.

What their juri (diction

tation both parties, than is his Their jurisdicion mas to deal with Bereffes, Schiffnes, and other mier Spiritual and Ecclefiafficel caufes, and therein they die ploced juxes legem divinam & Canones fancte Ecclefie. And as they could never affemble together of themielbes, but were almayen called together the the Minga Wieit, to were Mercon cap. 9. they oftentimes commanded by the Mings West to deal with nething that concer-21 E.4. 45. 1.per they often lang of the land, his Croins and dignity, his Person of his Otate, Vavafor & b.per Hed the Bings lame of the land, big Caolon and bignity, bis Perfon or bis State, Starkey, Brown 62 the flate of bis Councel of Mingdom : as to illufrate this matter to remember one oz theo eramples.

& Vavafor. 20 H. 6, 13.

34 H. 6. 39. 28 H. 6. 11. Regift, fol. R. N. B. 269. a De procurat, cler. See in the Chapter of the High Court of Parliament, Regift, 261, F. N. B. 259 21 E. Parl. 6 E. J. nu. 6. 8 H. 6. cap. 1, 2 1 Chron. 29. 13. Ezerbist. Num, ca. 10. v. 1, 2. Wife. fup. pa. 43.

Rot. Pat. 18 H.3. 2 part. m. 17. De prohibirione fact. Episcopis.

Mandatum est omnibus Episcopis qui conventuri sant apud Gloncestriam die Sabbathi in craftino Sanda Katherina firmiter inhibendo, quod ficut Baronias luas (ques de Rege tenent) diligunt, nullo modo presumant consissum tenere de aliquibus que ad coronem Regis pertinent, vel que personam Regis vel statum fuum, vel statum concisis soi contingunt. Scient pro certo quod si secerint, Rex inde fe capiet ad Baronias fuas. Tefte Rege, &c.

and I be the pentather Carliffe Annouse By gut le authore to en ut radio tol.

Rex, &c. Venerabilibus in Christo patribus eadem gratia W. Arthiepiscopo 3, E. 1.

Cantuarieni, totius Anglie Primati, accareris Episcopis & Praduis Cant. Pro- Bor. Par. 1, E. 2.

vincia ad Conciliam Provinciale apud London in promiso conventuris, Manda. a par. m. 6. promiss volume in fide & dilectione quibus nobis tenemini firmiter inhibentes ne in Rege de inhibitione superioris. dicto Concilio quicquid in noltri, aut flatas Corone noltre vel regai noltri prajudicium flatuaris, faciatis, feu quoquo modo liber ordineris. Tefte Rege, Rej

De ilto negotio feribitar prafatis Prafatis per literas de credentis, ut in Rotulo
claufarum fub eodem datu continetur.

Prohibitio faft, Bretiepiscopo Cant. & Clero conventur. post fostum Sandi & B. z. dor Celhul. Barth, quod nihil attemptent in przjudiciam Corona; wie adatum ham ac pr

Vide Cap. Of the High Court of Pauliament, pag. 4, & 5, a. Top Procuratores Me. Clerica zoR. 2. tat. 3. coma l mil le manis l'ad the Deligeness against

Mar. cap. S. the Presogatives, and Lawer of the Crown Layed. Verfin flarm)

10 H.7. 6. pes Brian. & 2 Ph

Dut by the fair Act of 29H. 8. their jurisdiction and power is much limited and what their Aratmed concerning their making of inth Canons: for they must be side if it jurishion cente to make them, and after they be made, the kings Royal after twatton now is, them, before they be par in execution. Suit in the wood that Act there is in expected Proble, that his Canons as there in an observe that Act, which he had contract in the proposition of the Realm, though Presugants; the Katues, Distance of the Act, and the armount of the Realm, though the first which and executed which the Act, and the armount of the Act of the Act, and the armount of the Act of the Act, and the armount of the Act of the Ac

And if any caufe thall depend in contention in any Eccleffallical Court which 24 H. 8, cap. 12. may or thall court the Miles. Die Beite at Besetler, the beste affebed thall or i Aliz, cap. 1. giben.

My there be two bounts of Conduction, to are there two Protections, one of the Bilhops of the Higher boule, chalen by that boule, another of the Lamer boule, and pretented to the Bilhops of the Bellocutor.

It is called Compaction & Convocando, because they are called together by the Bilhops whether

the Mings Mart.

The Cierus of the Conducation called by the Mings Will, and their ferbants a 12.6, cap. 17, and familiars. that have furtherised in comming, striping, and going, as the great men; and Commingnity of this Mealin, called the Mings Parliament.

Artisti eagles to bebe precided according to the tentures of the Course, and course that the sound that in any cele bade, another described and the compactionment, and the past to be pasted on any contract the bad each each to be pasted on the course of the contract of the course o

Description required by the Camp for twelfold and by three tieff of an Act of Partiament confirming and establishing the 39 Archies of Meligidia agreed upon at a Convocation of the Chieff of England, and tallifeld by Creaty Elizabeth under the Organ Weal of England. Another by Canton's mane of a Convocation at England, and ratified by Ming James, in the adoption of England, and ratified by Ming James, in the adoption of England, and ratified by Ming James, in the adoption of England, and ratified by Ming James, in the adoption of Chieffy of the Clergy of the Convocation by the Clergy of the Convocation of the Conv

40 Eliz

At a convocation begun at Jac. Regis, Sed.

This Book is ra tified & confirmed by Act of Parliament. viz. 3 E.6. cap. 1. 1. 13 El. ca. s.

The other is by Canons of the Church of England made and ratified by King James, as in afozelaid. Rex, &c. Vancrabilibus

enter finbforiprion bereby required is to the Articles at comes alle autor

The first is, that the mings Pajetty under God is the only Supream Cohernoz of the Kealm, and of all other bis Digneffe Dominions and Countries, at.

2. Abat the Book of Common prager, and of erdering of Bispops, Briefts, and Dearona, cantaineth nothing in it concrary to the Moth of Cod. or. A manage of the alloweth of the faid 39 Articles of Religion, and acknowledgeth them to be agricable to the Mord of God.

And in this Section, Ubi lupra, i Jac, the form of the fubicription is fet down, E.c. . El. . And in this Section, Ubi dupra, I Jac, the form of the fublityption to fet cap. . El. cap. which was not erprefed in the Set of an Blizzana and appreciate line boup

By the Ptatute of 13 Eliz. the Delinquent in difabled and bengibed info facto but the Delinquent against the Canon of Bing James is to be proceeded withall by the confuren of the Church. This flatute of 13. is thell expounded in Dier 23 Dier 23 El. 377. El. 377. & lib & fo.69 in Grenes cale.

Lib.6. fo. 69. Grenes calc. Smiths cafe.

tion same act. IO My. S. take Begen a 2h. For a form.

mailillani

. 5.5 12 a. 5.2s

. r . al sila I

rem is

. . Nos . cap .3. H de

8 H 25 4 10E. - Quie

and I beard Wray Chief Juftice in the Bings Bend, * Pafch. 2 El renozt. addition (to far forth as the same were agreeable to the Mary of God) that it was resolved by him and all the Audges of England, that this subscription was not according to the Statute of us Eliz, because the accurate accepting to the Statute of 13 Eliz, because the flatute required an absolute subfeription, and this subscription made it conditional 3, and that this Ad was
made for aboiding of albertity of opinions, ac. And by this addition the party
might by his own pithate opinion take some of them to be against the emore of the scope of the Bratute, and the very Act it felf made toubing Subscription hereby of nane effect.

De mult alfo bring a tellimonial from men knoton to the Bifon, to be of found Keligion, a testimonial both of his bonest life, and profession of the doctring erprefled in the faid Articles, and he ought to be able to answer, and render to the Dedinary an account of his faith in Latin, ac.

Dictions an account of his faith in Latin, ac.
Belloes this lubleription, soben any Clerk is admitted and inflituted to any Benefite, he infloore to Canonical obsdience to his Plotelan.

8. 1824 gehrohnichen Bingeam Beao in Bibei Conbecatione.

le hall depend in concenten in aus Good elafices Court abich 24 H.C. ce-10 Illa and Of the High Commiffion in causes Ecclefinftical. 10 19 emales) istic

Palch, Jac the Toners. Court of Common Pleas upon mature delibesation, fet down in writing by the of King James.

13 Eliz, ca. 11.

40 Elin

3013

Two questions babe been made concerning the Jurisdicton of these Commit-

First, what causes on belong to the Digh Commissioners by fozce of the Act of 1 El, cap, 1, and of the Letters Patenes persupon grounded.
Secondly, in what cases the Digh Commissioners by the late Act of 1 Eliz.

cap. 1. and of the Letters Batents to them granted, may impole fine and impole tonment, and in what not.

It is into, by force of the Astute of Y H. For that before his Act it is agreed, that all Myblinaries and Ettleslatical Junges what we or, ought in all Codestakical causes to have proceded according to the centures of the Church, and could not in any case have sunished any Delinquent by fine or imprisonment, unlesse they had authority so to do by Act of Parliament. And the Papal authiere they has authority to to so by Ma or partiament. Mus the paper authority (as both hier contribed, did notes fine or imprison in any case, but over proceeds and proceeds and increased contributions of entering did and imprisonment dependent bubally upon the Catute of a Elizand is a guartest contribution, and openets the may to the other question, for it is confessed that by Letters Harents onely (without an Act of Parliament) such points to fine and imprisonment half be first bandled. And so that every Act of Parliament define and imprisonment half be first bandled. And so that every Act of Parliament define and imprisonment half be first bandled. And so that every Act of Parliament define and imprisonment half be first bandled. And so the Maders of the Act is the

the Act of 1 Eliz. doth neither by meaning not letter gibe any pomer to the Digh Committioners to fine of importon any, but in certain particular causes, as hall manifellip out of the act it felfappear bereafter. And fitting every Ait of Berliament upon confiberation had of all the parts thereof together, is the beff . Erpolitor of it felf, the parts of this Ac of I Eliz. Doe necestarily fall into confide. ration.

First, the Little of the Sit is, An All restoring to the Crown the ancient The title of Anrildittien, &c. By this the nature of the An both appear to be an Act of the All.

Reftitution.

And this is also manifelt by the weamble of the Ad, tobere it is said :

Whereas divers good lawes were made in the time of the late King The preamble Henry the Eight, for the extinguishment of all forain power, and for of the Alt. the restoring unto the Crown of this Realm the ancient rights and Insidictions of the fame.

From whence this reason is drawn, that living the expelle letter and mea. I Ratio. ning is to reftoze to the Grown the ancient Jurisdiction Eccleffaffical, and no Commissioner by force of that ancient Ecclestaltical Auritoiction could impose Ans and implifonment, that thete Commissioners habing their force from this Ac of Kellitution, cannot punify any party by fine of impersonment, otherwise then thall be bereafter expressed.

The first clause of the body of the Act (to let in the restitution of the ancient wight and Jurisdiction Eccleffaltical within the Realm) doth abolif all fazzin

Jurisdiction out of the Mealin.

Then followerb the principal claute of rellitution and uniting of the ancient Aurispiction Eccleffalticat, being the main purpole of the Ac, in thele toozas.

Be it enacted, that such Jurisdiction, &c. Spiritual or Ecclefiastical, as by any Spiritual or Ecclesiastical power or authority hath heretofore been, or lawfully may be exercifed or used for the visitasion of the Ecclefiaftical state and persons, and for reformation, order, and correction of the same, and of all manner of Errors, Herefies, Schismes, abuses, offences, contempts, and enormities, shall for ever by Authority of this Parliament be united and annexed to the Imperial Grown of this Realm.

And upon this claute being the final intention of this Ad expected in the Litle and Preamble, de the fublequent claufes depent, Therefore this claufe is cfoe.

cially to be confibered, and therein thefe things are to be obferbed. Firft, that by this claufe Quien Elizabeth was not declared Supream bead, et. but by a former claufe in this Ad, viz. that the Statute of 1 & 2 Ph. & Mar. cap. 8. (whereby among tothers the Ad of 26 H. 8, cap. 1. and 35 H. 8. cap. 3. were repealed) toas by this Ad made utterly boid, and confequently the Ad of Mepeal being repealed, the Manet 26 H. B. cop. r. and 35 H. 8. cop. 3. were a-mongst others implicite resides, by which Manet 26 H. 8. and 35 H. 8. It is declared and enacted, that the King, his heirs and fuccesfors, should be taken and accepted the only Supream Head in earth of the Church of England, and should have and enjoy annexed to the Imperial Crown of this Realm, as well the title and stile thereof, as all honours, dignities, preheminences, jurisdictions, &c. to the faid dignity of supream Head belonging, &c. By whith file, title, and oignity of fungeant Dean of the Church of England, ming H. 8. bis boirs and fuc-cellogs had and babe all Ecclestation Jurisdiction whattosher. Do at the first claufe rebibling the Se of soll. 8. &c. thereby Quian Elizabeth, ber beirs and Aurcellogs were suppeam Dead of the Church of England. And there this Act extending to raise a Commission for the necessity of the time, intended only to reflege and anner to the Croton fuch Jurisdiction in tome particular points as by the intent of the Statute, the Commillioners fould erecute, and not to be2 Ratio.

clare by this claule that ber Pajelly Could be lupgeam Bead of the Church, for

that was provided for before.

Decondly, that no jurisdiction is by this Act redozed a united to the Crown, but luch as befoze the Act had been, or latofully might be exercised or used for the reformation, ec. correction, ec. Whereupon it is concluded, that thing that no man could be fined or imprisoned by force of any Aurisdiction Ecclesiastical, which had been used, or latosuity might be used before this Act, that therefore by this Act no power of fining and imprisoning in Ecclesiastical causes is given by this Act.

The third observation is, that this clause divided it self into two branches the first concerning the visitation of the Ecclesistical sate and persons. This branch was enacted out of necessity, sor that all the Bishops and most of the Clergy of England, being then Popish, it was necessary to raise a Commission to deprive them, that would not deprive themselves, and in case of restitution of religion to have a more summary proceeding then by the ordinary and profite course of law is required. This branch concerns only Ecclesistical persons: Do as, as necessity did cause this Commission, so it should be exercised but upon necessity, sor it was never intended that it should be a continual standing Commission, so that should prejudice all the Bishops of England in their Ecclesistical Jurisdiction, and be griebous to the subject to be drawn up from all the remote parts of the Realm, where before their own Diocesan they might receive justice at their own doors.

The first Commission upon these Statutes, whereby about 20 Bishops were deprived, and many others of the Popish Clergy, is said to be lost and involved it is not, as it sught to babe ben. And it is assirmed by some that have then it, that it passed not above twenty their of paper copy wife; but noto the High Commission contains above the hundred theirs of paper. And it is likewise assirmed, that never any High Commission was involved (as they all ought to have ben) untill my Lord Chancellog Egertons time, so as no man before that time could

bnow what their Aurifoidien was till that time.

The recond branch is, And for reformation, order, and correction of the same (that is, of Ecclesiastical persons) and of all manner of Errors, Here-

fies, Schisms, abuses, offences, contempts, and enormities.

So as these two branches extend not to the universality of the Supremacy, but only to those prints tobereunts the Commission to be sailed by this Act should extend, sor which purpose nothing is record or united by this Act, but only the bistation of the Ecclesialical state and persons, and the resonation of the sawe, and of all Errors, Derestes, Schisms, abuses, offences, contempts, and enormi-

ties which be criminal.

The jurisdiction being restozed to Auen Eliz. her beirs and successoze, next and summediately both the Act, see gibe her power to assign and authorite Commissioners to execute this jurisdiction restozed and united to her, soy both nurpose it is surfy remaded. That your Highnesse, your heirs and successors shall have power and authority by vertue of this Act by Letters Patents, &c. to assign, name, and authorize, &c. such persons being natural born subjects, &c. as your Majesty, your heirs and successors shall think meet to exercise, use, occupy, and execute under your Highnesse, your heirs and successors, all manner of jurisdiction, &c. in any wise touching or concerning any Spiritual or Ecclesiastical jurisdiction, &c. and to visit, reform, &c. all errours, heresies, schismes, abuses, offences, contempts and enormities, which by any manner Spiritual or Ecclesiastical power, authority, or jurisdiction can or may lawfully be reformed, corrected, restrained or amended.

Out of this clause of Affignation it is to be obserbed, that the substanced of the Commission of affignation of deputation is described and purtraged out both some manner and matter by this clause.

I That

The clause of Assignation of the Furish disting restored by this Ast.

1. That it ought to be unber the Great Seal.

2. The Commissioners to be affignes ought to be natural bogn lubjede at

Muen Bliz, her heirs of fuccellags.
3. Their Authality, viz. Lo erercile, ule, occupy, and erecute under pour Pighneffe, pour beirg and fuccellezs, all manner of jurifoldion, of, and to villi, and reform all fuch Errors, Bereffes, Sthilmes, abutes, offences, or tobich by an manner of Occiella beal of Opicitual power can, of lawfully may be reformed,

. The local limits and Bounds of their Committee, viz, within the mealin of land, &c.

England, &c.

So as by this clause spece is no quellion. But the Committainners by such caustes as are committeed to them by societ of cold Ao, may, if the Committainners be competent, process to deprivation of the Popish Clergy, which was the main adject of the Ac, or to punish them by Exclematical centures, and by no words, or meaning hithertocan punish by sine or imprisonment, sor that no Exclematical power could reform any correct (as the Katute speakets) in that manner. And without question, if the Commissioners be competent, that is, if they be failed. The High tual men, they may proceed to lentence of Excommunication, which was right Commissiotual nien, they may proceed to fentence of Excominantication. When may cloud Commission well be certified as well as Excominunication before Comminuners Delegates; ners may export of chefe Authorities being under the Great Bell, and each of their liability commissate if authority by force of several Acis of Parliament. And Creoninunication cett. they be comfied by Commissioners Delegates both den answer, as it appeared in 23 Elizabeth. Dier 371. And in many cases And of Parliament Lave adjustes when excoming with the factor of the first of they be meet Lapmen, the fault is not in the factor of the first of the factor of the Creoninum of the Chancery, log the taking and imprisoning of the bodies of fact excominum of the Chancery, log the taking and imprisoning of the bodies of fact excominum of the Chancery, log the taking and imprisoning of the bodies of fact excominum. cate persons.

-Roto after the Letters Patents of the Committion are peteriben, and limited followeth a claude of vicedion for the Committioners to necy themtelves within

their Commillion in thele words.

And that fuch persons so to be named, &c. after the faid Letter Par The clause of tents to them delivered shall have power and authority by vertue of this Execution. Act and the faid Letters Patents under your Highnesse, your heirs and fuccessors to exercise, use and execute all the premisses according to the tenor and effect of the faid Letters Patents, any matter or cante to the contrary in any wife notwithstanding.

This is a clause of reference mierry to the former parts of the Aut, and yet by

Epis is a clause of reference meety is the former parts of the Andury ext by colour of this clause the High Continuitioners no execute to fine and imprilon.

Lyat this clause referent woodly to the hornest parts of the Andury it is apparent by the very words thereof, for first, the tourns be to exercise, use, and execute all the premities, which word (premitles) referred to all the former branches of the Adviz. 1. To the ancient intisolation Critellarities, restars by this Air, by which ancient jurisdiction no person could be directed by the artimetical of Critellarities power bath herecologe been, or lawfully might be exercise, or uses in the these be the expressed words of the main clause of restoring and uniting of the ancient jurisdiction to the Croton. But it is agreed, that before this Air no man could be punished by fine or imprisonment by any Coelesiantical power, unless it were by sorce of tome And of parliament; therefore by these words it this clause (to execute the premisses) the Commissioners runned the or imprison. This work (premisses) but relation these commissioners runned and of parliament. boors (premifies) hath relation their moras in the clause aratignation next going before this clause, viz. to vilie, reform, redreite, order, correct, and amend all fuch errors, herefies, schismes, &c. which by any manner, power, authority, or jurisdiction Ecclesiustical or Spiritual can, or may lawfully be reformed, &c. corrected, &c. but no corrected be by the or imprisonment, Butin certain fpecial cales. Then

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The change

Nota.

* Premises.

Then this clause followeth, (according to the tenor and effect of the faid Letters Patents) which words also be wholly refer to the former parts of the Art. For it these words (to execute all the * premises) be words of reference, then the addition of these (according to the tenor and effect of the said Letters patents, any matter or cause to the contrary in any wise notwithstanding) must of necessity be referred also to the former parts of the Art, by none of which power is given to line or inimisonment.

Allo this word (execute) cannot but be referred to the former authority. And it is not fain according to the tenor and effect of any Letters Parents, and yet if the words had been to, the fame being coupled to the word (premiles) had not refirainen them, for they could in that cale but only have executed the premiles i but the more he according to the tener and effect of the Letters Patents before limithe words he according to the tenor and effect of the Letters Patents before limited by the laid AA, that is, first that the Retters Patents he under the Breat Seal. a. That they be made to natural born subjects. 3. Their authority is betlared with a simitation. 4. The local simits and bounds of the Commission is let boins: and this is the true and genuine sense of these words, via. To exclude the premises according to the tenor and effect of the laid Letters Patents. And therefore me market how in a case of so great consequence, and so distible to every eye that looks into the Art of I Eliz, the very mozos thereof are (for the and bantage of the Bigt Commillioners) in the very vinding claufe altered, and changed. For there it is allevged, that the flatute of a Eliz. laith, that the High Countillioners thall execute the premiles by vertue of this Ac according to their Commillion favefinitely without reference or refirsint, whereas the words of the Ac be, according to the faid Letters Patents, the effect whereof was limited and expressed before. And by the authority that is claimed by the Commissioners, who seeks not, but that confishation of lands, forfeiture of goods and chattels, et. as well may be impoled, as fine and impolanment ? But were it not a violent instruction vivedly against the letter and meaning of the Act, and full of great inconvenience to make of thefe latter motos this confirmation, viz. that the Bigh Commissioners sould correct and punish all the Errors, Herefies, Schilmes, Offences, Abules, Contempts, and Cnormittes, &c. under luch pains, forfeiture, and penalty, as Duen Elizabeth, her beirs, and luccellogs, by any Letters Basteuts, thould impole or appoint: and that confequently by force of the generality of this condenction, the bib impole and appoint fine and impallonnient. delbich confirmation fiends be first bireatly against the waybe and meaning of the All-for the causes aforefaid. Decondly, that by the fante reason by the generality of furb she causes aforesaid. Secondly, that by the same reason by the generality of sund a construction. Dusin Elizabeth might have imposed forseiture of lands, consideration of goods, nay corporal punishment, loss of member, and of life also, so incontinency, solicitation of chasticy, working on a Poliday, or any inferiour offence punishable by the Ecclesistical Law, and yet the sentence of the Comemissioners in such cases should be both faral and sinal, and uncontrousable by any ordinary means, either by Appeal, Error, Moderata misericordia, or otherwise. Abstraly, that this violent construction, under mystical and cloudy words, should extend to sine and imprisonment, ac, all persons, as well key men of what estate, begree, or set soeder, in cases Ecclesissical (where they were not to be sined and imprisoned before) as to Ecclesissical (where they were not to be sined and imprisoned before) as to Ecclesissical persons, who were the proper objects of this Air. And then by the Construction that bath been made of the other side in cases where an executor detained a Legacy. the in cases where an executor betaineth a Legacy, or a Barishioner payeth not his Tothes, of the like concerning Meum and Tuum, the Dueen, ac. might habe inflices (as bath ben laid) what punishment the would , and the Bigh Commile Moners fine and impilonment (as it standeth at this day) without limitation of time, be it never forceat, or time of imprisonment, be it never to long, and with out controlment by any ordinary remedy, be the lentence never lo unjust or erros neous; than which nothing could be more absure and incompenient. Talis interpretatio in ambiguis semper fienda est, ut evitetur inconveniens & absurdum. But this confirmation should not be in ambiguis, but directly against the moods and meaning of this Ad. And feeing to bath been granted that the Papal author ce total factivities and

1 H.y.12,12.

rity opany other babing Occieffallical jurisbidion couth not the any links before this Act of a Hiz, and that it is express tale in the promite of the that inhere in the reign of Ming 11. 8. hivers goes lang hiere man the eptinguishment of foreignauthority, as the reforing of the Ord entipurishing, you by realism whereof the language were applied by burdened of great and intollerable charges and exactions @ repealed by Auden Mary the fait the both reuter into relief or the setter of this May that it may be never the setter of this May that it may acres the internal thereof the setter of this May that it may acres the internal thereof the setter of this May that it may acres the internal the setter of this May that it may acres the internal the setter of ceitis, and by the Letter of this Ma. that is must be seen the fair clause to dire and impaire the fair clause to dire and impaire the fair sames, and to make him fudges to greater conditional following, to be to be before this Ma who not fulf directly the fairness where his bedy before this Ma who not fulf directly the fairness was the fairness of or other penalties, or punishments; by them do be impoled, 92, 370ff by this Act of restitution to ease them of former profile which their inte (peaketh) bur by this Ac to make them labfou to greater and mor prins, punifyments, and charges than everyog were beinge "Aharthe it 27 H. 8. cap. 13 laith, that the Canons, or were outsinust sheets in neffe lubjeds, but they were never le onecous unthis Marie e Ad of r Eliz, the only ground of this question and the to the Commissioners to imprison, except it be incertain haveled they which note fall into consideration. For example. The statute of all into consideration. For example. The statute of all into consideration. For example. The statute of all interesting the priority of the statute of all interesting the property of the statute of the statute of the statute of the statute of the supplier of the statute of statute of statute of the statute is, that no Letters Patents can up berine of this An organic foument according to the fair Mit, charles power (and the like in any biffer call by Ant of Parliament if any be with matter to the Crown and was be countified over to the Bigt Committoners as before the late Ma by any will rivial of cleffell tent power has been or intofally might be used, which be the weight of Anticlett.

Actic lest.

In But chese general words, wis. Which have been or lawfolly might be after the well, be not extend to any authority or power given by any Ma st Philippine Ma of Marie Many well, world after the many more fallenges. The state of the many of this Ma of the Marie Ma of Marie Ma of Marie Ma of Marie Ma of Marie Many is And, for that the Marie Ma of Birly with repeal and the sine divers has of Angliament, and therefore Hall not be constructed to reach of review any other by the late general words. Decondly, for that general words hall not extend to authorities repealed or admitted by Marie seeps of pur sepance to Panel comming of the facts Panel to it, endern his mone was abuulten by the flatute of 27 H. S. cop. And after the Connection to the hours of hing E. 6. be by his Letters Patents granten the fell Paties to the Lord Darrie and his petroes and further granten Tot, taking endem, by forthood & confimilia jura, jurisdictioner; franchesius, privilegia, des quest, quanta quarta, & quest, &c., prouduliquis dominus manerii habult, sensite sensite singuositis fuir virture alicujus care, dooi, seu concessionis aut aliquarum literarum patricium per pressar que propentario en confirmat, aliquo stature mon bestantes. And it tous absurges en troco besta in Seasonio en the Lord Passa des Lord Passa de the flatute of a7 H. S. cup. And after before in the Lord Papers tale, Mich, 21 & 27 Elizi in Seastanio : thit affett Lord Pages tale

1 H.7. cap.4 Stoneis calc.

Vid. fat. of a H.4.ca. 13. & observe them

1 H.7.12,13.

Pl. Com.fo.369. Stowels cafe.

this general group dup bein musted and configured by Aut of Parlimment, her all des chole general beer unarrended so revide any authority, immedite, quive there are once grounded, and behind manatter; unhiberor the great repeated or on the first his des of Parliment, under a there has been forced woods conscious the time, but though around an ather mustopities, frauchites, and printedges which has not been remained. burdened or great and introducable charges and exactions

there is after the agreement of the properties. Franchises and the rotes were to dispose all preferences and enterpretagnities. Franchises and the rotes were to dispose all preferences and the rotes were to dispose a dispose and the rotes were an increase a dispose and the formal and the presented and the formal and the formal and the formal and the presented and the formal and antposething thing for va, it was Africationism

icomes facens described in an image in a construction of facenties of 1 Eliz cz.1, and things directives only: for that no law or frante was formerly made constraining common persons directively. In the subject with a question, as multiple present clause of persons in the same and the entry of persons in persons and the same persons frantenes, wit and problems of the same general sentence, wit and problems from the same general sentence, with ander your dightest, see, and principally the coule of the median afternoon of common persons and the same considers in the same case of the median set the same relative by all the effects when the same considers in what having all the mass relative to the manuscream of the same considers in what to problems at the same before the same, and what then the same considers in what to examine an institute after the same of the 4 E.4.f. 4.813.

repeated of all lam m in confirmation of Catter. Quamvis les generaliter loquitur, finageants comes off and collecte retione desplacement, cum enim ratio fit

al Er at Bite ascastaio, the Lard Pagers cafd

edum fi verborum generalitas prima facie aliver funden. Wellig then forman inconveniences ughtelt realon, and the unaming of the maintent of the maintent of its entire character generality of the intrinsic bill (as they bugge) be limited by the fault of Recition And it appears not sold that he to the Pipp Commit and inferious causes. And to the technic of a British of a of 8 Eliz, cap. 1. It referred to the flet of points of the a amble, and theories with active introduce and timeling the little, have considered in the control of the cont naking of chemicate of FERM ehe making of chelistentent of Flice by fome An at purtiament hare beite i making of this And dundrick grandolds and bondagan and dank bash o

making of this Ant. Invitied Alexander and Osnoberger and Antices and the Editer many of the makers are Lay and intermed when, is hath been expositives by like to be equipolisen to beinous, that the and epoply and Antices by like to be equipolisen to beinous, that the and epoply and Antices by the beaute of 2 E. 3. cap. 2. Commission of Dier and Commission be generally by the Beaute of 2 E. 3. cap. 2. Commission of Dier and Commission be generally in the first exposure in the population of Dier and Commission be generally in the first exposure in the horse the books there is an in the the third with the exposure the books the epopulation, and I bestive I in the late Ant. and there is an intermed a Dier and Commission, and especially in this Antice divided commission of Dier and Commission, and especially in this Antice divided commission of by the the Horse the Antice divided and the party of England of Wales, be the place never and momen, his part if all the party of England of Wales, be the place never and momen, his part the fact was done. And were it is established the lift he proper County dispersion of Dier and Commission which has been and the Elizabeth before the property bath has anything and rightly personner with his party bath, and excellentical as these samples and before their the beautiful and rightly personner with his pathy and rightly personner with the property bath, and by the effect and the pathy hash, and rightly personner with his pathy and rightly personner with the property bath of England, if the fail charge of Anaphysician with the bestime of England, if the fail charge of Anaphysician with the bestime of England, if the fail charge of Anaphysician with the bath before here the pathies of England, if the fail charge of Anaphysician with the bath with the pathysician of England, if the fail charge of Anaphysician with the last before here and the pathysician with the pathysician wit sient tame of England, if the fair thatte of Municipation the hete behinde of the line in the member them to the comment of th

had never hear intervent, provides the claimed at Management with the Bearing of the Committee of a Hills, provides the principal them thanks by printing, making, or morbly maintain of referd the intervent that them to my track the printing of my track that the by the control of the Common and mail to the text offense intervent and the control of the Common and mail to the text offense intervent and the control of the Common and mail to the text offense intervent and the control of the proper goods and chartes. The base of hear of the first proper goods and control of the printing of the control of the proper goods and control of the control of the

That if the meaning of the Meners of the As had bein to bebe indiced notice

Hot if the meaning of the Webers of the As he was been in this ed nations upon the trible nations five and imprisonment, but by the lame realem confidences are the trible nations of the lame realem confidences are the trible of the source of lauba, may any necessal qualifyment; or other motions are the source of the source e dimication of any time of impelionment, and without any ability of paties by utilion or conformity to cafe themfelbes & And petableuce from Divine ferpict is a meer (peciellattical caple, and the like may be failed nivers other Acts of annifilon of Dier and Erminer, ge. Gruten seif ja Insmall

thus bath this flatute been plainly ernounned by the parts of the fame, accor-

ning to the natural and genuine lende, and the aziginal indication and furisviation of the Pigh Committion by losce of the laid Act truly expected.

And concerning the farm of Committions and practice by the Digh Committioners in the reign of the late Ausen Education and industrian for anylesty, first leading, Among the farm of the late Ausen Education, and industrian and indust Sinders, who was Chief Baron at the time of the making of the fair Act, Six Robert Bell, Six John Jeffegies, Die Roger Manwood, of Die William Leryam Chief Barons of the Enchequer. Do as in all the late Amins time fastwe be informed no fine was lepice, or any fiblication his body lands as goods charged there with house house have been by Donary worth men affilied with divers other grave, and learned Barons pretermited to be either lepice or written for hy the Court, if by late the fame qualit to bave been levied. And the labican (for the greatest part) being prongfully fined, imprisoned, and insured by colour of the Digh Commission, asked no abbits to take any ordinary remedy, for that the Digo Commission, asked no addife to take any azdinary restiedly, for that the Bigo Commissioners (knowing the weaknesse of their Authority) kept the Cammission letter, and contrary to law and justice suffered not the same to be intolized in the Chancers, to so the subject itsed under an unknown Commission and Authority (Comisers of services up justify against the consoler until of late the Lord Chancelog (as both been said) according to late anneat surveyed after the parts of the Act of a Elix. And this is the cause why their Presents sisting parties truly) may be many, checially against the weaker for a can be they may be many, checially against the weaker for a can be they may be many, checially against the weaker for and they may be many, checially against the weaker for and they may be many, checially against the meaker for any they may be many, the Aings Courts concerning these matters, seminathey with out, charging the Subject of the Mealin with Innovation. And we know thents and Presidents in the Aings Courts concerning these matters, sem, my chey give out, charpting the Judges of the Mealin with Involution. And yet some being intolerably grieved, sometime to their notes unboings by the soil Committoners, upon complaint made to the highest Courts of arbitrary Justice in this Mealin, the Judges upon confidentials had at the Catute of r Eliz, which is the soundation independent the Bigh Commission is grounded, babe, as after as complaint bath been made, relieved them according to law and fustice.

In Armers care the under Court of Crebequer in the late Auseum reign, protectally relabled, being the Kings proper Court, that the High Commissioners could not puntly any man by knothing on a Poly day, albeit it be a matter of perticulative complaine, but ought by the true meaning of the statute of a Elizato be puntly by the Diocean, which is to be seen of Record.

Also in the reign of Auseum Eliz, William Taylor Clerk, Parson of Springfeld in Esses, his implead William Massy Gent, before the Digh Commissioners sof glving unreverent speeches to the Pinisser, so, for carrying his Corn of Bays,

Taylors cafe. Mich 44845 El. Rot. 1255. Simile 43 & 44 El.Rot. 503.

tuck!

Caya al

dayes, for not luffering the Parton and Pariflioners to come thosow his part in Rogation with in the perambulation, and not giving them a repair as usually be had some, that he whillied and another on the Parlone Barn boos, and lair he will it to make him mulique for his daughters marriage, and many other Articles of like nature; and it was ruled upon open motion; and often behating by the wh Court of Common pleas, that the Bigh Commillioners could not beat b fuch inferiour offences, but are to be left to the proper Discolan tobe is to referen the fame with telle charge and travel in the proper Diocelle. And thereun a. Brobibition was granted by the Court of Common pleas, whereby it appeareth, that they cannot hold plea of all Weelefiaftical caufes and asserted and

The like Paobibition was granted out of the Common plene in the fair fare Graves ale, Quens reign, between Robert Pool Elerk Parlon of Winchelley, and Thomas Gray to the Bigh Commissioners, too that they belt plea for assaulting and laying bielent hands on the fait Robert Pool being a Barlon, upon open motion and Banco. requireme by the whole Court man or matter of grand and the the ... maintain

Hills Jac. Regis, in Commudi Banco, between Lyn and Ware for promite of a Ro.422.inCom.

Trin, 3 Jac, in Communi Banco, between Jeneway Barfon of T. in Effer, and Porter for defamation and laying violent hands but a Clerk, which was And concerning fine and imposionment. And o Regnet Eliz. which was about eight pears after the flatute of T Bliz. Die James Dier and bivers other of the Lunges were then living, that were prefent at the making of the fato fratute. Thomas Lee an Atturny of the Common pleas, being conventen before the Bigh Com. Banco. Commissioners for hearing of a Palle, was by them in their proceedings commit? Porters case. ted to pillon, which matter being teturned by Habras Corpus, he was upon great a Mic , & will. confideration bab, by the Lord Dice and the whate Court of Common pleas bil. Routses. Less charged of his impilionment, for that the high Commission had no power to impaifon him in that cafe.

The like reciglution was in 18 Elizaby the Low Dier, and the whole Court of 18 ELDier fo, Common pleas, in the cale of one Hinde, who being convented before the Hindes cale.
Commillioners for Minry, to animer and was thereupon impriloned by them, a by
Habers Corpus delibered, for that the imprilonment in that cale mais unlambel.

By Warrant from the High Commissioners in the reign of Origin Eliz, his Simplons cale

rected to Richard Butler Constable of Aldrington in the County of Northamp before the ton, for attaching and accepting the body of John Simpson of Aldrington after in Northamplaid, and bringing his body before the High Commissioners in case of Abultery tonshire, 43 El. with the wife of fidward Fuste; the Contable being assisted with one William Tohnfan ferbant of the lais Edward hafte, the laid Contrable with Johnfon came to a Williams boule in Aldrington impers the law Simplon was, and the booss hes ing open would have at eight of the clock at night arrefted Simpson by the fair Warrant, which the law Coultable fear unta him, notwith aubing the law Simplon relited him, and in his own befence (and hewer bow) their the lair Tobolon that came in ain of the laid Constable. Roto the question before the Juffices of Allile of that County, (Simplon being in the Boal therein) what his offence was: wherein the doubt refted in this, whether the Conflable might lawfully attach and arrest the body of the laid Simpson, (which in law is an imprisonment) for if he had sawful authority to arrest bim, then the offence mas wilful murber in killing one that came in aid of a Pinister of Justice in eres cution of his office: but if the Contrable had no lawful authority to arrest his woop by force of the High Commissioners Warrant, then it was but se desendendo, a small offence, which boubt wholly consider upon construction of the fratute of a Eliz. for by the Letters Patents erprelle authority is given to the Digh Commillioners to lend for the body of any offendor, ac, by Pueletant, or by Warrant, The matter being weighty, and the late Simpson being by the Coroners, inquest indicted of wilful murver, supposing the law Warrant to be lawful, the Justices of Allife thought not good to proceed against him at those Assies, but deferred it till the nept Allifen: At what time, after this long time of velibera-

Vid.infra p. 334 Trin 44 El, Rota 1833. in Com. Simile 4 Elia The like in the Kings Bench. Pafch. ag El z. Ret. 100. & Palch, 41 Eliz. ibidem Ro. 235. Tr. 3 Jac. in

W. Omev S. o. II

Singrap and

Supra peg. 133. Grayes cale.

Will. Thicknes cafe.in Communi Banco,

frin ka El. Rot.

ing al in Com.

35 H, 8. cap.29

Silve Coley

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tion, and upon conference, it may reloited, that the flatute of a Bliz, gabe no per to the Wigh Commissioners to make any Warrant to arrest the body of plon in that case, but ought to have proceed by Citation & and therefore that of the faid Johnson had committed no murber y and to the Jury n bis areaignment found him not quilty of apurber accepting to the direction of the Court, an it appeareth by the Record it felf. And it was colobred in Grayes cale alosefald, that has the battery of a Pinister they could not fine and impri-

William Thicknes babing the printlenges the Court of Common pleas, has a Habeas Corpus to the Sheriff at London to his body, with the caule, he being under their cultody, who recurred that the Pigh Commissioners had committee him to their cultody by force of his Papellies Commission for earlies Octoballical, and of the Satute in that rate provided, for that he was consided before them of Apultery, and other contempts and endymicies appertaining to Occientatical conulance. And the cale being behated in open Court, he was bifcharged of his impallonment, for that by the flatute of 1 Eliz, they could not impallon him.

15p the flatute of 25 H. 8. cap. 19. it is enacted, that for lack of Juftice at or within any of the Courts of the Archbishops of this Realm, or in any of the Kings Dominions, it shall be lawfull to the parties grieved to appeal to the Kings Court of Chancery, and that upon every fuch appeal Commissions shall he directed under the Great Seal to fuch persons as shall be named by the Kings. distant. ess of oak di Highnesse &c, which Commissioners so by the Kings Highnesse, &c, to be named or appointed, shall have full power and authority to hear and finally determine Appeal, and that such judgement and sentence as the faid Commissioners chall make and decree in and upon such Appeal, shall be good, essectual, and definitive. The bid brows, ashe is they be more general, and with lesse reference to the precedent, matter, than the stat of 1 El. yet have such Commissioners no colour to fine of imprison any; but where the words be [and such judgement and sentence as the said Commissioners shall make and decree] these general words have these moths implicite annexed to them [according to the Ecclesiastical laws] shall be good, effectual, ac. So in the Catute of a Eliz, such mothes are implicite to be added to the fair claule, viz. That the Bigh Commissioners hall execute the pre-milles according to the fair Letters Patents by the rule of the Ecclesialical law 02 Authority of Barliament. Ind fince the Bigh Commillion was involled and mabe publique, many poblibitions bate ben grantes accoping to Law and Juflice upon complaint made by the parties grieben. distant

And in the reign of the laid late Duien Eliz, it was refolved, that the Birt Commiffion fould be limited to certain particular enormious and exorbicant caufen, which if it were purfues month bach great quiet and repole within the

Realm.

In the reign of the laid late Queen a Probibition mas granted by Str James Dier Chief Julice, anothe whole Count of Common pleas, 10 Februarii Anno 21 Eliz. to the Pigh Commissioners for that they vin hall plea de jure Advocationis.

And in my Lord Andersons time in the reign of Dusen Blizzbeth the Court of Common pleas granted divers Prohibitions, as it appeareth before, and two of special note between Baker and Broughton, and another between Blackheath and the Bishop of Gloucester. And in my Lord Gaudies time who succeeded the Lord Anderson and injoyed his place but a short time, yet in that time the Court of Common pleas granted Probibitions allo to the Bigh Commiffice

Many other Brobibitions have been granten to the Bigh Commillioners out of

the Court of Common pleas of after times.

In the Kings Bench there are allo many Probibitions granted to the Digh Commillioners in the times of the Lord Wray, Lord Popham, Lord Fleming, &c. which are to the fame effect as those which have been citer be.

And we will conclude with the confession of the Logs Archbishop Bancroft

See Hil. 17 El. Rot. 1403. Inter Hen. EvansClericum queren.& Thomam Jefferies Clericum Defendant. # Hil 3 Jac. b Mich. 41 & 42 El.Rot. 1919. and an Attachment thereupon

Mic. 43& 43 El. Rot, 3333.

head novi a

Camera fellata. for

21 H 8. cap. 5; inumited) Banco.

Baffical Courtoun Booland.

See the span o the Inft. Cap.

croft hindelf inchin 22 Articles his own more being a Odding day on whereas see the Articles comming laws persons, (two stone samples fater) one for the following and here in the a part of the open must be the committee and another for a had alight the billion of his Kingsel day to the effectively and another in the apart of the laftimes in the experimental part of the individual of articular in the enter into bondito persons implification and singuistic Committee and produced in articular rad by Halous forms of the King the many and the other by which the interest of the Common pleas, and the dry other Rushittions have the lake which the straight of the control pleas, and the dry other Rushittions have the lake which the straight of the common pleas, and the dry other Rushittions have the lake which the straight of the common pleas, and the dry other Rushittions have the lake which the straight of the common frames upon the fat grading allows then the which the please in the committee of the committee of the common pleas. thority to make accoping to the Ac. L. and campingmine age monthly the ment many e abiek authiet etches My this Anticle in appearethy that before the time of the Court of Common pleas that nighties and before will be someth Court of Common pleas that notice and independent of the Court of Common pleas that notice and independent of the best independent of the property of the finge ment on the blattom of Mingra Went and Countries pleas by Haban Corpus 142 fines and implificate by the Digit Countifficier of incept of the October of the Digit Countries of the fines of the first of the firs Mich, 20 Jac, in trifed sijsta dies weltelle

eree in affreipeds (faving the five logmer) in commutation folder ment used do And thefe ween the retifiction's of the whole Court of Common glenn palebri Agorice one and the content of the of venance, may lerve for the vication of ali the Opinaries and Audersoon wet

There will en Art mave Anno 21 H. 8. concerning his farbate of Lall Mic. 6 Jac. Reg. While and Jorgonhides Andrie of 100 Sylven gold of T at James Recession Region to the Archer and Light need on the Rowfe Committee of the Archbesen of the angloof, in an Julymarien against him by Edmond Neale, to Extend upon the fair fainte of 21 H. S. increunts be utered not entite and has found quitte, the point in quellion thou the initial arthur and a chief

thield, but apon the Manketipt incrofted, whether the taking of a firth the we-

This is the Court wherein all Lettaments be proved and all ministrations granted, where the party pring within did Counter at the poster with bons notabilis in forme other Biocelle them where the poets, which legislaters is in sero the wellie in a limit to Biocelle of London, it is 10 to binquotition.

The Bishops, Lords and Commission wherein is full Parliament, that the Rot Pat, 16 R. a limit, his being and luccelled mind to land in make their Lestaments, and that print.

Preparation shall be done of the same, wherein some noute was made beings.

Rot. Par. Phys. no. 72, the Tellament of Sing H. 4 and his executive resulted the Architishop of Canterbury was to grant. Administration totto the Lestament admered to the same. See PH. 6, no. 78, the last wait and Creatures of H. 10 H. 6, mu.

which the Bing is made an Greenes of the last will and Celegment of any other, the Bing declappoint certain persons to take the errention of the Billi upon them (aparith colonic lieu as have cause of flut may bring their Bestin) and appointers others to cake the Account. We not Part 18 the Exchange Studen Ros. Part 18 the Bomaget of England, morror of 17.6 made her last about and Sectionent. The many pointer Robert Rolleston, Stephen of the Creaters. And thereupon the king and Obdition Junio pointer Robert Rolleston, Stephen of the great antarazone, John Meritons and Richard Afreed Empires, to execute the late will be the obertupe of the Carbinal, the Buke of Clour, and the Billium of Line or they of them to propon they found account.

The Brobate of every Billiops Tellament or granting of Amilia Aration of his goods, although be bath not goods but within his own furtseining, with belong to the Archbifbon.

The like Court the Archbilbon of York bath.

From this Court the Appeal is to the Ming in Chancery, Som touthing the furisdiction of this Court, and the Confidences of Bishops, oc. fuch points as have been judicially relotived, are necessary to be remembred, both for the lafety of of the Judge, and the benefit of the party interested.

See the Articles digs Exposition of ad acticulicieri, &c

Sitta pag. 1-1-

Af alman die intellite habing bona parabilia in hivers Dinceffeninge Buner af ctud grobwebig at descelume et at mut treinedung a eleitend abellustiget truck nicht and anlerein ojdetnary nicht eine state alle eine besteht eine beite besteht eine in bei dem einstelle eine ein bei dem einstelle ein bei eine ein bei dem einstelle ein beite ein be aple the Antechtogy made que neturnet i to the ent the Chate of the Antellute may be known it 2. The Minimilicating before camp affeligment much be caffer to it, to the intenante Audge grapale infagued at the true flute of the Antellute, and of his twiand blitteby fog tobale fluccour and geilet there is great piety. The archilpemiand blinver of foot abole fluccoin and police Dere is great diety. The great his included in the including hoto much to thom, and to what afect the latest much he made accepting to the Action, the Judge and payment he made, 4, 30 dperment must be made accepting to the Action, the Judge and payment he made, 4, 30 dperment must be made accepting to the Action of its about the properties of the country of the publishes Action wife worth it is Optophism of the Court, and the Action of the Action of the Court, and the Court of the Court of the Court, and the Court of the Court, and the Court of the C

ferben in all respects (faving the thoo former) in commutation of penance, which tind former be not conce to this matheir sand their untervas well concerning afthe in pios ufine when granting of Coming frationin, and for commutation of venance, may lerbe for the virection of all the Debinaries and Judges in Erclei Stattical Courts in England,

21 H 8.cap. 5: Mic. 6 Jac. Reg. Rot. 1301.in Communi Banco.

See the 3 part of the Inft. Cap. Extortion.

See the Act.

There was an Ad mabe Anno 21 H. S. concerning fees for probate of Laft Mills and Achempiele and granting of Moninipletiens. Anthorale of James Rowse Commistary of the Archbeacon of Huotingdon, in an Information against him by Edmond Neale, to Exception upon the fait statute of 21 H. 8. whereunto be pleaved not guilty, and was found guilty, the point in question upon the information was, it the point to be not whether have the farment it lelf, but upon the Transcript ingrotted, whether the taking of a fee by the Defendant for the ingrolling were within the laid flatute? And it was mon debate in open Court relative by the Chief Juffice, and the rest of the Justices, Walmily, Warburron, Foster and Daviel, that such a fee taken sor the ingrolling was within the statute, for that the last is in the Legative. And if the Creentor request. See the Act.

in the Catule, for that the Ma is in the Degative. And if the Crecytor request any to ingrasse the Act with him as be did in the case in question, which is a safe and ready may) but the Dedinary of Commission angular angular the foreign way) but the Dedinary of Commission and to exact a fee for it of the party as a fee and to him, for others causes. First, for that the words attentive for the Probation, &c. or for Registring, Scaling, Writing, Praising, making of Inventories, &c. which wars (writing) extends not to this case. Decomply, the words be, or any thing concerning the same Probate, and when the Academy and the foreign is successed by the Academy of the Catule, the Academy of the Market is not the Academy of the Market of and the manner of the precise penning of the Academy of the totil, may anner the

the Ad er tage. not abobe, hould be all in bain. And the Debinary, it be will, may anner the Babate to the Tellament it felf, an feeing be can bane no ather fo than is in the statute, it may be bereafter he will bo; but log the mifreciting of the Act of 21 H. 8. in the Information, Curis advisare vult : and this relolution extending to all Courts of Coleffatical jurishidian that have Probate of Leffaments, we thought it necessary to make a memorial of it.

atherine Court be Recheither at York harb. ad Ion this Court ibe Appeal is to the Ming in Chracer.

ro the Backling.

mon of the Court, and the Conficues of Bubope, acsees been topically relatived, are a cellary to be remembred, bothlog the falces of er the Junge, and the benefit of the party infer fled.

Low touching the

fuch coints as

The Court of the Arches of the Archbifhop of Canterbury.

This Court is called Curizde Arcubus, and bath been anciently bolben in Bow Hily.E.t.coran Church of London. So 3 read of it in a mengo of a Probibition Termino Hil, Rege Rot. 8, coram Rege Anno 7 E. 1. Rot. 8: in Curis Christianismis coram Decano de Ar. Palch 12 E. I. in Curis Christianismis coram Decano de Ar. Banco. Effex, cubus London. De Bow Church in London, where the Court hath continually Gulielmus de been kept, which and 12 other Parities in London, whereof Bow is the chief, are Mortuo mari within the peculiar furisolation in thiritinal causes of the Arabithap of Canter-Clericus, &c.

bury, and exempt from the Biffon of London.
The Junge of this Court is called the Bean of the Arches, unto whole officialty in Spiritual cautes to the Archbiftop of Cancerbury is annèred the peculiar furibution of thefe 13 Parifies. De bath optimary furifoidion in Spiritual causes of the first instance, and by Appeal through the whole Province of Canterbury, as it appeareth by the Statute of 24 H. 8. cap. 12. Dis power to call any person for 24 H. 8. cap. 12. Dis power to call any person for 24 H. 8. cap. 12. any cause out of any part of his Province in the Diocests of any other, unless it I Eliz. cap. 1. be upon appeal, is restrained by the Cause of 27 H. 8. cap. 9. This Court in 25 H. 8. cap. 19. the Catute of 25 H. 8. cap. 19. is called the Court of the Arches of Audience of the Archbifbon of Canterbury : and from this Court of the Arches the Anneal is to the Bing in Chancery by the faid Act of 25 H. 8.

See Dier 7. Eliz.

The Court of Audience. Curia Audientia Commarientis.

This Court is kept by the Archbifhop in bis Palace, and medeth not with any matter between party and part of contentions furisbidion, but bealeth with matters pro forms, as confirmations of Bilbops elections, confecrations, and the like, and with matters of voluntary jurisdiction, as the granting of the gardianhip of the spiritualties fede vacance of Bifpope, abmiffion and institution to Benefices, difpenting with banes of matrimone, and fuch like.

The Court of the Faculties.

This is allo a Court, although it botheth no plea of controverde (like the Court Vi.29H.8 ca. 16 of Antience nert befoge.) It belongeth to the Archbithap, and his Officer is called at H.8. cap. 13. Magifter ad Facultates. And his power is to grant Ditpenlations, as to marry, 5 Eliz.cap.16. to eat fleth on dayes probibited, (and to may every Diocelan) the Son to fucceco his Father in bis Benefice, one to have the og moze Benefices incompatible, ac. It is called Faculties in the flatute of 28 H. 8. topich in one feule fignifieth a dispensation. Do as faculcates, (in this lense) dispensiones & indules are sy- "Commonly nonyma.

This authority was raised and given to the Archbishop of Canterbury by the of the Faculties. Ahis authority was taken and given to the methology of Canterbury by the arrival Bliz in statute of 25 H. 8. cap. 21. whereby authority is given to the said Archbishop and arrival Bliz in his successors to grant Dispensations, saculties, sc. by himself or his sufficient is 25. lib. 4. f. ity and substantial * Commissary or Deputy sor any such matter, whereof heretologe Lib. pl. Co. pag. fuch dispensations, faculties, gc. then has been accustomed to be has at the be of 12,513. Rome, or by authority thereof. " This branch of this An you thall find pleaded b 2 E.6. cap. 19.

Lib plac. Co. pag. 512, 513.

b Concerning the power of the Archbillop to grant Difpenfations to any to of the Inflicage eat fielb on Fridapes, Saturdapes, Embzing dapes, Migils, and Leut, the Dier pag. 200. fame is limited by the flatute of g Eliz. cap. 5. And the penalty of Eliz. in that S Eliz.cap.s. cale is diminifhed and made leffe bp 35 Eliz, cap. 7. Rote the flatute of 5 Eliz. 35 Eliz cap.7. case is diminished and made leste by 35 Eliz, cap. 7. Instead the unitarity of 5 Eliz. 27 Eliz.cap. 18. concerning eating of flesh on to concerning eating eating of flesh on to concerning eating eati Ad of 27 Eliz. is affirmes by the Att of 35 Eliz and by at Jac, cap, 28. and er- 27 Eliz cap. s. predy by the flatute of 3 Caroli cap. 4.

called the Mafter 5 E.6 cap.3. Curia Vid.35. Eliz.ca

Curia Peculiarium. The Court of Peculiars.

The Archbifop of Canterbury hath a peculiar furisdiction in divers parifles within the City of London and other Diocelles, ec.

The Confiftory Courts of the Archbifbops and Bifbops.

See Lit, Sect. 133.136.648.

The Confider Court of every Archbiftop and Biftop of every Dioceste in Ecclesiastical causes is bolden befoze his Chancelour in his Cathedzal Church, oz befoze his Commillary in places of the Diocette far remote and billant from the Bilhops Confillogy, to as the Chancelour cannot call them to the Confillogy, with-34 H.4. cap. 12. out great travail and veration: and he is called Commissarius foraneus. From thefe the appeal is to the Archbifton of either Province respectively: when Conafteries of Archbilbous and Bilbous began within this Realm, fee before in the Chanter of the Lourn of the Sheriff.

Ro.clauf. 30H 3 eft Thom.de Stanford, &c. Ro.Pat. 13 E. 1. m. 31. Rex lifecular persons all the fecular Clergy.

It appeareth by many Mecozds in the reigns of H. 3. and E. 1. (as taking m.4. mandatum forme one of two examples for many) that by the law and cultome of England no Bilhop could make his will of his goods of chattels comming of his Bilhopzick, oc. without the kings licente. The Bilbops that they might freely make their Mills, pielded to give to the Ming after their deceates respectively for ever Six cent-dedit Epil- things. I. * Their belt Bogle og Balfrey with brible and labole. 2. A Cloak cop. Bangor, &c. with a Cape. 3. One Cup with a cover. 4. One Balon and Ewer. 5. One this was given by Ming of gold. 6. Dis Mennel of Pounds. Hog thefe a wait issueth out of the theBishops being Erchequer after the becease of every Bishop: Nog example. Rex, &c. Vic. Eborum. Przcipimus tibi, quod non omit. propter aliquam libertatem, quin etiam Ecclefastical for ingred, & diffring, omnes executores testamenti & ultima voluntatis reverendifsimi in Christo patris Matthai nuper Archiepiscopi Eborum defuncti, ac administratores & occupatores bonorum & catallorum que fuer, dieti nuper Archiepia scopi, necnon hæred. & tenent. terrarum & tenementorum que nuper sus fuer. per omnes terras & catalla fua in balliva tua. Ita quod nec ipli nec aliquis per ipfos ad ea man, appon, donec al, inde tibi praceperimus. Et quod de exitibus earundem terrarum nobis respondend. & quod habeas corpora eorum coram Baronibus de Scaccario nostre apud Westm, à die Paschz in tres septimanas ad respondend, nobis de uno optimo equo five palfrido cum cello & fræno. Una chlamyde five cloca cum capella. Uno cipho cum coopertorio. Uno pelve cum lavatorio *Muites decheins five aquar. & uno annulo aureo, nec non " muta canum que nuper fuer. ejuldem nuper Archiepiscopi tempore mortis suz; & que ad nos ratione prerogative nostre spectant & pertinent, & de precio sive valore inde, unde nobis nondum est respons. Et habeas ibi tunc nomina executorum & aliorum prædict. & hoc Breve.

of muit cometh muta, fignifying a Kennel. Int.com. de Hil. aE.a.InScaccar. Proces verf. Epifc.de Bath & Wels.

The most ancient of this kind that we find and remember (but certainly there were fuch Writs befoze) is inter Memorand. de Scaccario Anno 2 E. 2. the 181. fop of Bathe and Wells cafe, Tr. 36 E. 3. ibid Int. comia. The Bilbon of Chefters cafe. Hil. 5 E. 4. ibid. abjudge upon bemurrer, that the duty being to the Bing after the deceale of every Bilhop, it extendeth to an Archbishop, the Archbifop of Yorks cafe, for every Archbifop is a Bifop. It is fametimes called multura oz muldura de Episcopis, tometime monutier, &c. The Bing by berbid ram Rege Rot. of the live recovered ten thouland Parks against the Bishop of Norwich for that \$57. Nois.

Trai E. 3, Rot. be profecuted against the Abbot of D. Edmonds Bury to appear before him against of twelve recovered ten thousand Parks against the Bishop of Norwickfoz that 170 coramitege, the bings Brobibition, for which it was adjudged that his tempozalties fould be feifed and his boop taken.

Mich. 19 E. co-21 E.3 fo.60. 3 R.1.cap.3: 7 H.4.cap. 12. 1 H.s.cap.7. nu.48. 4 H.6.Bu. 29.

* Myon confiberation had of the flatutes of 3 R.2. 7 H.4. 1 H.5. & Rot. Parl. 6H.4. nu. 48. & 4 H.6. nu. 29. If an Alien og Aranger bogn be prefented to a Ro.Par. 6 H.4. Benefice, the Bifhop ought not to admit him, but map latofully refule him; which we have aboed, for that the Abringements or late Impressions may beceive pour.

The Court of the Arch-deacon, or bis Commissary.

This Court is to be bolden where and in what places the Arch-beacon either by 24 Hs. .cap. 82. prefeription or composition bath jurisdiction in spiritual causes within his Archpeaconry. And from him the Appeal is to the Diocetan. Be is called Oculus

Episcopi.

In some Acts of Parliament and many Mecozds and Pillozies you thall read 20 H.S.c. 20, &c f the Bifbaps Ball, Pallium Episcopale. It is a Bood of tobite Mool, to be Vide Caffaneus toogn as Doctogs Poods be upon their spoulders, with four Crosses weren into 4 pare. Caralogi it, oc. the form and colours thereof you may fee in the Book De antiquitate Bri- fo. 103.2. tannicz Ecclefiz pag. 1. foz a Dall is the Arms belonging to the See of Canter- as Confideratio ry, ad therefoze expressed there and commonly in other places.

Palla est vestis qua Alcare cooperitur, viz. ut lineus pannus confecratus qui sulio.

ubi legas, si placer, multa de pallio. bury, at therefoze expressed there and commonly in other places.

per Altare ponitur, super quem extenditur Corporale.

The Clergy petitioned in Parliament, that of every Confultation conditional, the Devinary may of himself take upon him the true understanding thereof, and therein proceed accordingly.

Mhereunte the kings animer was, That the King cannot depart with his right, but to yield to his subjects according to law. Nota boc, & finde bene,

Parl. 51 B; 3. nu.83.

Vocabular.juris.

The Court of Delegates, and consequently of Appeals.

It is to bulgarly called, because these Delegates do fit by force of the Bings 15 H.S.ca. 19. Commission under the Great Seal upon an Appeal to the Bing in the Court of Chancery in three causes. First, when a lentence is given in any Ecclesialtical cause by the Archbishop or bis Official. Decombly, when any sentence is given in any Eccleffaltical caule in places exempt. Ebiroly, when a fentence is giben in the Admiral Court in fuits civil and marine by the order of the Civil law. And thefe Commissioners are called Delegates, because they are belegated by the

Bings Commission for these purpoles.

Dow becaute we have generally tooken of Appeals in Occiefialtical cautes, which are grounded upon Ads of Parliament, it thall be pertinent to our purpole to let bown the refolution of the Judges, and of the learned in the Ecclefiaffical lato, which both fumme up in what caules, from what Courts, and in what time Appeals are to be made, and other necessary incidents concerning the same, as the Lord Dier under his own band hath reported, but are left out of the print, and pet worthy to be known and published, which you thall hear in his own words and language.

Of Appeals.

First, in cases Lestamentary, Patrimony, and Lithes, from the Archdeacon Appeals. Anno of his Official, if the matter be there commenced, to the Bishop of the Dioceste, 24H 8.ca.12. and from the Bilbop Diocelan og bis Commiflary in luch cale, og if the matter be there commenced, within fifteen dages after fentence given, to the Archbiftop of the Province, and no further.

Item, from the Archbencon og Commillary of the Archbifbop, if the matter be there commenced within fifteen dapes, oc. to the Audience of Arches of the faio Archbiftop : a from thence within other fifteen days, eseco the Archbiftop bimfelf, See infra, this is and no further. And if the case be commenced before the Archbifbop, then to be flacute of as there Definitively Determines without further Appeal.

Item, where the matter toucheth the Bing, the Appeal within fifteen bayes to pages

be made to the higher Convocation house of that Pzovince, and no further, but finally to be there Determined.

25 H.8.cap.19.

Vide fupr. pag.

præcedent.

A general Probibition, that no Appeals foat be gurfued out of the Mealm to

Rome, oz ellewbere.

Item, a general Clause that all manner of Appeals, what matter soever they concern, shall be made in such manner, form and condition within the Mealin, as it is above oppered by 24 H. 8. in the thris Causes aforesaid; And one further degree in Appeals so all manner of Causes is given, viz. from the Archbishops Court to the Ring in his Chancery, where a Commission shall be awarded sor the determination of the sain Appeal, and from thence no further.

Icom , that perfore exempt thall like wife purfue their Appeal in the Chancerp.

ut fupra, and not to the Archbifbep.

Rote, in case where a sentence is given by Commissioners belegates by the Prince, as by the late Aistors, Anno 1 Eliz, the party grieved appealing, such Appeal is out of the Prince prescribed by the said Statutes, and the Prince in that case may grant a new Commission to others to determine that Appeal. Ecceo suit fair per lopinion del plusors des Justices en le case de Goodman deprive del Deanery de Wells.

Nota, Scephen Gardener Evesque de Winton, suit deprive al Lambeth per Commission del Roy E. 6. sait a 10 persons proceeding sur ceo ex officio mero mixto vel promoto omni appellatione remota summarie de plano, absque omni

forma & Agura judicii, fola facti veritate inspecta.

Et vide. Mich. 3 & 4 Eliz. Coveney President del Novel Colledge in Oxon. deprive per le Evesque de Winton, Visitor del dit Colledge, & exempt de tout jurissicion ordinary sale appeale al Roy in son Chancery, & Commission illonque grant à A. Browne & Weston Justices, que sur conference ove auters Justices & Civilians, resolve que le appeale ne gift, ne aseun auter remedie pur le appellant pur ceo que cesti case suit hors del dit Statute de 24 & 25 H.8. car cest deprivation als meres temporal. & come per les aroy. Ex que senune anequi affic sist. & en

est mere temporal, & come per ley prov'. Ex quo sequitur, que uni assis gist, &c. Nota, in appellis per Doctorem Lewes Judic. Admiral. & al. &c. Fozasmuch as an Appeal is a natural desence, it cannot be taken away by any Prince or power, and in every case generally when sentence is given, and appeal made to the superior, the Audge that did give the sentence is bound to obey the appeal, and proceed no surfler until the superious path examined and determined the cause of appeal. Rederthelesse where this clause (appellatione remota) is in the Commussion, the Audge that gave sentence is not bound to obey the appeal, but may execute his sentence and proceed surfler, until the appeal be received by the superior, and an Antibition be sent unto him: for that clause (appellatione remota) hath their notable essents. The sirst is, that the jurisdiction of the Audge that gave sentence, is not by the appeal suspended or stopped, so be may proceed, the same notwithstanding. The second, that so proceeding to execution or surfler process he is not punishable. The third, that these things that are done by the said Audge after such appeal cannot be said void, sor they cannot be reversed per viam pullitatis.

But if the appeal be just and lawful, the Inperior Judge ought of right and equity to receive and admit the same, as he ought to do Justice to the subjects, And to if the cause of the appeal be just and lawful, he ought to reverse and revoke all mean Acts done after the said appeal in prejudice of the appellant. Thus far

the Report of the Loto Dier truly translates.

*At the Parliament holden at Clarendon called Affis de Clarendon Anno 10 H. 2. cap. 8. the formes of appeals in causes Ecclestatical, are set boton within the Realm, and none to be made out of the Realm. Ne quis appellat ad dominum Papam. *Rexistre tulit appell. ad Papam in causa Bastardiz, ut contra dignitatem Regis de Consilio igitur (the Mecord speaking in the person of the Ring) magnatum & sidelium nobis affishent, vobis mandamus, firmiter injungentes quaterns non obstante appellatione premissa non differatis pro eo sententiam, &c. So as the first Article of the Statute of 25 H. 8. concerning the necks.

This case is in print, Dier fo.

Parliam.a Clarendon 10 M.2.

cap. 8.

Mat.Par. pa.97.

Mat.Par. pa.97.

Mod 10 if if equity to mid for ann. 8 H.3.

part, 1.m.29.

Rex Dublin.Arahiepic. &c.
Rot.Par. 18 E.I.
Rot. I. William de Valentia. &c.
Rot. Rot. Milliam de Valentia. &c.

Not. J. William de Valentia. &c.

Not. J. William de Valentia. &c.

See Hoveriden

fel. 28 4.

See Hoveriden

fel. 28 4.

probibition of Appeals to Rome is beclaratore of the ancient Lato of the "Hayward Dos

"And it is to be observed, that the first actempt of any appeal to the See of in the life of Rome out of England man by Anjelm Siften of Canterbury, in the reign of William a. liam Rofus, and yet it rook to effect.

Det 8 Eliz, cap. 5, an appeal in Civil and Parine confes befoze the Lord Admit-ral, or. a fenteure befoze Committioners belegates in final. Det befoze pag. 125, upon a fenteure given by the Confedie and Arrifal pro-ceeding by the Civil Law in couls Armorum, there were all appeal to the king, but none of the lath actuates eroend to this airlo of appeal.

ni, 38 tone ure liver, and for dearen by an and the by divers and landry

hard The Court of the Commillioners of Review and a charge of the commillioners of Review been accepted in the ad Kewidendum

But agains the fruth hereof, opposition bath bein mase. Alris, that this is the Albeit the fair Ads of 14 H. 8. and 35 H. 8. De upon cettain appeals make 14 H. 8. ubi fup. the fentence petinitive as to any appeal, for the words be [fhall be definitive] as H.8 ubifup. and that no further appeal fould be had? yet the Bing after fuch a vefinitive fentence, us tuppeme Pens, may grant a Committion of review, ad revidendom, &c. tog 2 causes. I. For that it is not rettrained by the flatuit. 2. For that after a definitive fentence che Pope as lupjenie beab by the Canon Lato ned to grant a Commiffice ad revidend. Und furt authority as the Pope has claiming as lus preme bean proth of right belong to the Crown, and is authored thereunto by the Catutes of 26 H. 8. cap. 1. and 1. Blizocaport Aunto it was refolved in the Bings Bench Trin. 39 Blizi where the cale cale was, that fentence being given in Trin. 3 Blizin an Excellentical cante in the Connergy to be party greeved appealed according to the the Kings Bench Hollingwerths faib Ad of 25 H. & to the Archbiftop, belofe whom the fiell Centence was affire. Hollingworths men. Whereupon accoping bothe flatate of 23 H. & be appealed to the Dele- Raft fol. 18 Apgates : befoge whom bord the former lentonces were repealed and made with by Definitive Centence, and theseupon the mices as lapzeme beat granted a Com- Ibid. Rome 359, miffion of Review, ad revidend, the centence of the Delegates. And upon this matter a probibition was project in the Kings Bench, Pretending that the Com-million of Menich was against Law, for that the fentence before the Delegates mission of Review was against Law, so, that the tentence vetore the Welegates was vessitive by the Catate of 23 H. 8. "But upon mature deliberation and pebate the Prohibition was veryed, so, that the Commission so, the causes above said, was resolved to be tainfully granted. In this east I being then the Queens Actorney was of Counses to maintain the Queens power. Independence were titled in this Court in Michelots rate. Anno 29 Biz. and in Goodmans ease, and Huera case, in 29 Eliz, also, "Dee the Catate of 8 Eliz, cap 5. and objects like two his Court in that Catate, we super the Court of School Court in that Catate, we super the Court of School Court in that Catate, we super the Court of School Court of Sch

Whom a lentence given by the Digh Commiffioners, a Commiffion of Meblem The High may be granted to and for the party griebed, as by an expielle claule within that Commission. Commission, Commission appeareth. And if no tuch clause has been therein, yet a Commisflon of Meview might have been granted: Quia ficut fontes communicant squas flominibus cumulative, non privative, fie Rok fubditis fuis furifdictionem communicat in caulis Ecclesiaficis vigore Scatuti in hujusmodi casu editi & provisi cu. mulative, non privative, by confirmation upon that Ad.

Le Court des Conservators des priviledges de St. Johns vasos no toj dal mon . de Jerufalem, e &c. e Tono vono ad bol sale minelawer, laconcily to then as bave b

There were two Courts beloen coram Confervatoribus privilegiorum, the one Hospitaliorum, and another Templariorum, Of whole jurifoicion, and of their reftraint to grant any general Citations priufquam exprimatur fuper qua re-

Aor of the Civil and Canon Law in the life of

eal to Rome.

d flat de al

cip.r. Andons.

22 E. 4. 118.19.

20.00.8 11.72

Of Eggle Religion Course sapas. H fieri debeat citatio, & fi viderint hujulmodi confervatores quod petatur citatio de aliqua re cujus cognitio ipectat ad forum regium, hujulmodi confervatores nec he od it is a section of the control of the flatter of W. 2. appearett. If the wall of the flatter of the control of the contr Fibe Civil these Courts are netermined.

Seem to; a concluden appreciating England. I have refereed to the long-word for the honour, and supperfix that of purp the Melatives of our Soveraign Loss the many, and of this die Armanous, indust I conserve to be necessary to that which in this part of the Industries are panel language bond, to; that it oracets and strength; this part of the Industries are panel language bond, to; that it oracets and strength; S Eliz czo.5. eneth all the rest.

By the whole Parliament of 24 H. 8. wherein, bettes the Archallons and Bispops of the Mealm, there were 29 Abbbts and Priozs Lords of Parliament: It was resolved, and so declared by an Act, That by divers and sundry 24 H.S.cap.13. old antique Huftgries rand Chronites, it is monthly declared, and rorelled, that this Realm of England is an Empire, and to hath been accepted in the world, &c. Vid.ftar.de 18 But against the truth bereof, spposition bath been made. First, that this is the only Parliangut that bath afficured it. Pecondic, the title Declaration is unjult and untrue, and the Pidegras Cornicle dock not affirm the fame; made in
Antathe field authors retain one Acof Perliangut is inflar omittee in a proof of the unautorable and highest nature, but this is not the only 3 for lo
muchin effect (agra this point) is affirmed by all the Acops Driftinal and Leurparal, and the Commons by Authority of Agricument long, before the reign of
H. 8 that the Oromon Long and both been lo freens all times, that is after the corner and the control of the con esp. a.in Hiber-H & ab. fap. Stat.de 16 R. 2; cap. 5. An.domini 1391. in no Garthly arbiention, but immediately subject to Can in all things touching: the regalty of the fame Crown, and to no other, der . . . Bublique Rotaries made by the Emperor oloimen de jure to exercise their Rot.Clasfes B. 2 offices benein England, but becomfeit mesagoing the dignite of a lupreme Bing, they were provided in the Bings write in goding of other or 2. Hys do Die eine Ann long before, thefe by the maient law of the Croton of Hog long, incre one; Bracton who to the Ming. Omnisquidem fubrege, de iple fub uplio, fed cantum fub Deo: (Ec ibidem paulo policeodem numeno). In autem ren non debot elle fub homine wrote in the reign of H. 3. Lib. I. ca. 8.nu. 5 fed fabilden . &c. null an of Kepiciu, ad revidend. Anno dom.i270 And there with agreeth the Lain henge the Conqueller Rex autem, quia Vicarius fummi regis est, ad hoc est constitutus, at regount for a uniformation mini. & super omnis fanctum yeneretur Ecclesium eius & reget, & adin juriosis defendar, & malescos ab ea excellar, & destroat & penium disperdat.

Aun long befoze that Anno 169. A passione Christi dominus Elucherina Papa. Int. leges Edovardi cap. 17. An.dom. 1050. Anno dom. 169. Lucio regi Brytanniz scripfit, ad petitionem regis & procerum regoi Brytannizor.
Petifits à nobis leges Romanas & Casaria vobis transmitti, quibus in regno Brytannizuri voluitia: Leges Romanas & Casaria semper reprobate possumus, les gem Dei nequaquam. Suscepistis enim nuper miseratione divina in regno Brytannia. nie legem & fidem Chrift, habetis penes vos in regno peranque pagigam, en lis Dei gratia per confilium regni veltri sume legem, & per illam Dei patientian vestrum reges Brytanois regnum, Visarius verp Dei estis in regno &c. and bigber 3 cannot go. And by the may it is to be observed in the feberal grants by Abbots and Briogs 22 E.4. nu.19. made to Bing E. 4. they lenerally file him by their very morns, Supremus Dominus nofter E. 4. Rex.

And by three other Acts of Parliament, viz. by the latute of 25 H. 8. cap. 21.

wherein by Authorito of Berliament it is enaged and neclated (directing their Declaration to the king) That this your Graces Realm recognizing no Superior under God but onely your Grace, hath been and is free from subjection to any

mans lawes, but onely to such as have been devised, made and ordained within this Realm for the wealth of the same, or to such other, as by sufferance of your Grace and your progenitors, the people of this your Realm bave taken at their or the programment of t

25 H.8,ca.21.

heri



free liberty by their offerentent to be used annully locketed to a house their affilied sciences by long use and sufferent to the object operations for their substitutions to the object operations for their substitutions of the last substitution of the substitution not end stroignt for an Printe; Poblisher for Poels and stroignt for this Realm originally adult the Poels the find full crance, conferts and collaboration of a gibbs accepted to the flatuity of a gibbs accepted to the manufacture of a gibbs accepted to the company of the collaboration of a gibbs accepted to the collaboration of the collaborat

And by the Cauten of a g. H. S. capial i Elicupordinois Javier, la appropriée as H. S. cap. a Philipson is officered to be an imperial Caden modern a aidreorous ... I El. cap. 1.

As to the fecond : I might anfiner + that Le Courada Rividimed unite test. An to the lecond: A might anilver I that he Courada Russianness on as trefppl. Com. 29 % b
grand honor & Justice, de que nul home deligimagines el fot dichone bila! And voir escale fo,
with the Donoz and Dendent upon the Mature of hydrogeness of the thornor as 4. cap. 55.
be thought that a flatute that is made by the Authoritis of the book Healm as
well of the King, and of the Logis Spiritual and Limpopal passerial the Commons, will recite a thing against the truthill as anomerad in a subgrave and its
But to be short, King Edgar filled and subgraves diministring his Coafter, Ba- The like Charmust be short, King Edgar filled and subgraves diministring his Coafter, Ba- The like Char-

fileus, Imperator & Dominus, which you may read in the Preface to the Fourth ter to the house part of my Kepatta, Vide Roberts & Billion part of my Kepatta, Vide Roberts & Billion of Donnington Edward commonly called St. Edward on of Edgar in a Charter which

be made to the Abby of Ramicy (which I habe) filed himfelf, Ego Edwardus socius Albionis Dei moderante gubernatione bullicuido 20 stud anda 60 m

Another Charter of Sing Edwine to the Maby of Ordwiald, This will Carrie regis Edwini fili Regis Edmundi fratris regis Edgun de tevris in Jet 2 de tambers, in be is fittes Edwinus Anglorum rek de corius Mensick telluris poberation de rector, and many others. Independent of the question of the property of the contract of the c

Ta conclude this paint with a late and learned bytes? whom I will fire to the be agreet with the former Authorities, beauth thirdly read third fire to the be agreet with the former Authorities, beauth thirdly read third fire in bignity of a king is of the manners. The one is Authorities of Bigliand, one is our Poveraign Lady Elizabeth by the stack was in the order of Figliand. France and Ireland, which poberates during black by the stack was in the wing bonds with her people and Southers immediately of the Total by Southers and Southers immediately of the Total by Southers and Southers immediately of the Total by Southers and Caeth to the order of the southers o

per letterice que and me and per laterally and union direct entered in the Appeal and Appeal and the Appeal and Emperours and Captains of the Romans in their triumphs ober Sin Rations. This Crown triumphant is moll due to ber sicellent Wrielly

I Jac. cap. I.

This Bull you may fee in Speeds Chronielc,p.759,nu.41 AnnoDom, 1521 J.F. ofiched Inner Templey in his book in thickey The glay of generofity,p.140,143

: S. C. 3.

* A Crown Im-

With what Ma-

Man Dierog.

25 H. 8. cap 1 El. cap. 1.

I lac. cap. r.

164. cap. 5

The like Chars Short on to the of Donaington

by King Edgir

by the first south at lates of firms, lince that her finceffogs have erterneifer de aft of aloa of Arms, lince that per untrucks have transported and Arms, and the might present, as the control of Arms, and the grade and Welch Antions. B. 3. and the grade point is the transport Croton of our loveraign. Lady these hopeness a senament of per regal Wisdome, but also to fignific the Prince-ding) twelve-dome to Auren of victious ediem. And of Only Brings are afternoon of England, the other part of the Relative, bede topat

trong a state and the count to be Count

Anglia gens forcis, & fertilis angalus orbis:

Angha plens jocis, gens libera & apra jocari, a to still or a constant ad le tiva Libera gens, cui libera mens, & libera lingua ; la milita stratifica mens.

drue le adiple Anfret to sertain objections againft the Kings Stile of the area didd saland a me son Defender of the Faith; be made to the kinds of Rame

And topere fome do object that the Sing our foberaign Lozd ought not de re to ming the title and fille of Batenber of the Faith; Defenfor fidet : fog (tay This Bull you jure to enjoy the title and fille of Defender of the Fatty, Detended the fame they.) Baile Leo decimus, Anno Pontificatus fui, by his Byll granted the fame to King H. 8. Se posteris suit. Well, veritas à quocunquicitur, à Deo est. Burthey to King H. 8. upon dis sup-stat by the Bull of Pope Paul the third, against King H. 8. upon dis sup-stat by the house of Ketigion in Anno 27 H. 8. be did not only depose presson of the lesser house of Metigion in Anno 27 H. 3. he did not only depose bim of this drie, but of his Crown also, and gabe his Angoom to him that contract it inhist, are has done de facto, sed non de jure, and we confess alluthet by calaire it that Mill. Done July the third in his Bull to king Philipp Annon Mary his direction was Charistinis in Christo shis notices Philippo regis of Marie regina illustribus, beforein be amitted the title of Wesender of the sather but bestoe the Papes Bull, which (as it seemet) is countermandable at his pleasure, the King bath a surer right thereunts to this file, so by the full content of all the Logic Spiritual and Lemperal and the Common assembled in Mariamen. for prolo ell? roficysp. 140, 14T

Layes Solicited and Lemboral and the Commons affembled in Parliament, and by Authority of the tame, in Anno 35 H. S. it is enacted, that all his Parlicus miles mobile bould from thencetorth accept and take his Parlicus fille as it is declared and let forth in manner and form following, that is to the, in the Latine rangue by these mores; Henricus octavus Dei grand Angliz, Prancis, & Hiberniz Rex, fidel defensor, & in terra Ecclefiz Anglicans & Hiberniz supremum caput: and in the English tangue by these mores; Henry threight by the

Hibernis Res, fidel defendor, & in terra Seclesia Anglicans & Hibernis superior mum caput: and in the English tangue by these toods a Henry absends to the grace of God King of England, Feance, and Ireland, Defendes as the faith, and of the Church of England, and also of Ireland, in Carrib tangues in these and the taid this should be from thencestooth by authority aspectio united and amore the fait sile should be from thencestooth by authority aspectio united and amore of the objects, that this An of Parliament is especially by the An of a Mar, but that is in this key, so at the treatous made and enaced by tablequent clauses of the late and it is objects, that this An of Parliament is especially to the An of a H. 8, are repeated by the Anol 1 Mar, but the still and title of the Croton initious question remained of size encepeated, and accordingly Order Mary in all her februal Defines of Parliament before her marings and after her marings, the lind king Philip uses the Citic and title of Defender of the faith in all their Barliaments. Letters Barents, or, according to the faith in all their barliaments in the list year of her reign. And by the resource bestion of the Mar, Dier, 94. In amor Mar, it appears he has a Supremum Capas in the second pession of the Mar, it appears he has the faith control of the Subject in amor Mar, it appears he has the faith control of the Subject in amor Mar, it appears he has been as by the resource he fit of the Ring remains in sorce, so thereupon his the question depend a so a like Hoop July in his Bull bourblased not so give king. Ph. and Charles Mary their life of Defender of the faith, sor both the besore, and both of them after their markings, accepting to their right took it upon them norwitis sunding the Gundaing Sull of Bogs Paul the third. Lasse, all the Rings and Austins

Quens

ney fee in peeds Chronile,p.759.nu.41 Anno Dom, 1531 Anno Dom, 1531 13 H.S. See La-ert. Cherub. 3.1 illeri çede, al book in 1816

35 H. S. cap. 3.

good by unichte lechice per andener

Quens remant of England have at their Cozonation time out of mind been

Court to besend the faith. Ind therefoze were of common right Definition of the Faith: by reason of which Dath they may take upon them the fitte, and are more firmly bound to perform and bo it, then by the Popes Bull.

Dabing Ipaken of England, and of the petty Mands and Dominions of the same, and intending to Ipake of that noble Mand and Aingroin of created, I could not passe over that ancient and renduced kingdom of Scotland whilly in thence, but as it were to clime it by the way, and pet to doe somewhat, which name that have written of that Ringbom have (to my remembrance) touther.

12. The February W. X. Kinglas P. Kinglas so he proficied on the collected on the collected

Ducetning this Etingdom there are many things toogthy of oblerbation. 1. That thete tho mighty, famous, and meient bingdoms, vie. England and Scotland (I ute the toogos of the Act of Parliament) were anciently I Jac. Regis,c. 1 but one.

2. That one Religion and ferdice of God is bolven and relebrated by both. Vide 4 Jan.c. 10. 3. That as there is one Language in both, to there was one hind of goderns & 7 Jac. cap. 1. ment and one law in ancient time that ruled both with many unanimous laure. ments between them, which ebidently appeareth by many proofs. Firth, that IIJac.Regis, c. I the Lawes of Scotland are bibines as the Lawes of England be into the Common & 2, in Ireland. faws, Ads of Parliament, and Cultoms. Ebeir Cammon lawes are principally contained in two Bobs. The first called Regiam Majestatem, because it begin-neth (as Justinians Institutes do) with their words [Regiam Majestatem.] The fecond Book is called Quoniam Attachiaments, because it beginneth

with those two words. The first Book both in tublance agre with out † Glanvil, and most com the perswasion monty de verbo in verbam, and many times our Glanvil is cited therein by the se procurement

cial name.

learned Judge of the Common Pleas Anno Dom. 155,8: 1 & 2 Ph. M. Mars. Of whom hear what Hovenden faith Anno Dom. 1880. (& regni H. 2. 26.) Henricus Rex Angliz pater conflictait Ranulphum de Glanvilla fuminum Justic totius Angliz, cujus sapientia conditz sunt leges subscriptz quas Anglicanas vocamus. This Hovenden lived in the reign of H. 2, and died in the time of King John. See Pl. Com. 368. b. per Carys in Epist to the eight Book of Reports. erfields, were egg, lippain, lie

Decendly, the Crown of Scotland is befrendible to the Daughter of Beir Fe-male where there is no illu Wale. If there be many Daughters of beirs Female, it descends to the cloest. Libewise they babe the like bestents of lands to Sub-jeds as England babe; as none can inherit in the right Line ascendant. The eldeft Daughter hath initiam partem. All the Daughters of Subjede Do inberit.

Thirdly, they habe the Bigh Court of Parliament, as we in England habe, Parliament, and called by the same name, confilling of the same Dembers, viz. Lorda Dpiritual, Lorda Cempozal, and the Commons. It is summoned and called at the Bings pleasure for a certain time. When they meet, the King or his Chancelloz Betteth the causes of calling them together. But there af later times the Lozds Opizitual dos chois eight Cempozal Lozds, and the Lozds Cempozal choise eight Spiritual Logos. Their firten mabe choice of eight cholen for the Counties, and eight of Cities and Burghs, in all thirty two. But whatfoeber is a. eid de gendom ge wolfstie se wolfs drot gendt set, madt ge neun ourge

VFouredly, they have the thme begries of Robilitze in Dubes , Parquelles, Carle, Etile, Etilebunts, Barons, of his same length of the paragraph of his

Fistely, they have the same great Officers, as Chancelloz, that hispeth the Great Beal, Logo Arealuter, Logo Priby Seal, Decretary, 9c. Sirthly, Sirthly,

of Sir Will, Stan-

and thum Mis Dom. sats. Sirthly, and the same Minister of Justice, as Oberists, Cozoners, or Actionate, the time laims for the mast part quarto mode appropriates to England, viz. Menant by the curretic, because they become laim that England had. Chypthy, we like Marty, Brovia, as de Recto, Affise of Novel Differing, Mordant, De gard, De Ideot, inquirend, De divinistic, Replegiar, Attachm, &c.

dane', De gard, De ldeot, inquirend. De divilistac. Replegiar. Attachm, &c.

Simbly, they agric with Magas Carts concerning Wardbips, et.

Loubly, with Carts de foselis cap. 11. ftg. it is lawfull for Kilhons, Carls, and Karons comming or returning reading the Kings Forelis at the Kings command to kill one at two Bealty in the light of the Forelist, at otherwise in his abtence to blow his Born, that he appear not to take it thieblifty.

11. The Lard of whom the land is bolden by Knights ferbice per antiquius feofiamentum thall have the wardhip of the body.

12. The Pheriffs thouse mule the Mas of Parliament to be proclaimed, oc. All which, and many more are the ancient laws of both kingdoms, as it appeareth in the fait 15mbs of Regiam Majeftatem, & quoniam attachiaments, &c.

13. The Dheriffs there babe an attentance in their Office, as fometime in

England they bab, and get in Cumberland they babe.

14. The fame Wacables of art are ufed in the lains of both Mingdomes, as Ordelium, it the Court of Water and Jeon. Films mulicrains, Marchetum, Serplaith, or Sorpler, Judicamenta &cc. Machamenm or Mahemium, Murdrumer Murcharum, Chancemeley, Mote, Milericordia, Medinagium, Flightwight, Med-Murcharum, Chancemeley, Mote, Misericordia, Messugum, Flightwight, Medletum, Remanere, Manerium, Recognicio per Assisam, Pipowdres, Panpagium,
Ora, Nonclayme, Soc 22 Sok, Serjantaria, grand Serjeanty, pety Serjeanty, Secator, a Suiter Sherista of inheritance there, the Sherista Court of County Court,
Toll, Tanhershum of Tumbrellum, Thainus, Doctage, Burgage, Servicium militare, Meliefor Meliebe, Theme Teme, Thestuate, In libera Eleemosyna, Terræ
Dominicales, Liberum tenementum, Vidiare duellum, Warrenna, of Varenna,
Valvasores of Vavasores, Mass. Stray, Castlemaso, Veredictum, Viridarii,
Inlanguier, Duttanguier, Duttange, Dutlange, Hida terræ, Bovata terræ, Herior of
Heregeld, Hutelium of Huelium, Megrateurs, Fogestallers, a Guille, falssping
of homas of seconers. Quarentens, Felonia, Feodum, Bomage, Sealty, Estroveof dores of escobery, Querentens, Felonia, Feodum, Pomage, Fealty, Bitroverium, elfonium, eniria pars, Ditteragenent, Diffellous, Diffelaimer, Scaccarium, Colliftrigium, Champertie, Maeremium, Averia Catalla, Bote, 25100bmfte, Grand Affite, Affite of nobel biffeifin, Barettozs, Affidabit, Abjournment, Me-Spanfals, Actornies, and many others.

There was an Beptarthy in Scotland but now a Sonarchy. There are there two Aparbithops, the and of Dt. Andrew, the other of Glasco : D. Andrew bath eight Bishops under him, and Glasco these.

ere are there thirty Counties er Sperifooms.

The encient Potto of the Bing of England is, God and my right (intelligitur) thall me defend. Of the Bing of Scotland, In my defence God me defend.

There are allo time famous Universities, one in P. Andrews, the other in Gialco.

The length of Scorland from Twede to the uttermos Coast is 480 Miles, it is longer than England, but narrower, and endeth libe a Medge.
Of ancient time all the Bifbaps of Scotland were facred, and confirmed by the

ardbiffor of York.

But by reaton of their Ans of Barllament, which in many points babe alesred, diminified, and abjugated many of the old, and made new laws and other protectings: the diffind wingdomes as they now kand habe many different Lawes.

Parl. 3 Jac. 1, c. 48 11 Martii Anno Dom. 1425.

Item. It is ordained by the King by consent and deliverance of the three Estates, that all and fingular the Kings Lieges of the Realm live and be governed under the Kings laws and flatutes of the Realm-allanerly: and under na particular laws, nor special priviledge, nor be na In Items laws of uther Countries nor Realms.

Item At is fature and ordained an Ther ally our Soversione Lordis Parl. Jacobi a Lieges besad under his obeifingeland in special the files he ruled by our tii Anno Dom, 100 E 3.6 25 E 3. breve de l'arhamente magnifico Principental adiana ed 2 E 3.6 25 E 6. 25 E 6

mongs these Commissioners there grew a question, manuferners proposings an union, of the Kingdoms by raising a re withingtom of Green Britain, detroit there is there in a price of the Kingdoms of Kingdoms construction in a patential manufer with the patential manu

that tien as Sept.

altered fecindem legem & consultation of the lames of both Bringboms, which sould made account to a standard of the lames of both Bringboms, which sould made account to a standard of the lames of the

andlegal negocidings, ac greentental jo ray dichels and it surballed ratis on Rex Egberns obit Ank Done is be beithout pressent. And in this anticome, land therefore Anticome is 673.

The be bithout pressent. And in this anticome, being brought find is only Sec a Proclamater of the substant being the anticome is a for example, the several Crowns are descentible to finis 1503. 3 14. al beirnafit, bloth: And guestiege may bernene tobe dant aeternatithin meto 1 th An aires and incertain making of leagues, greatly invameneth the Commonwellight

Raiy of Engl. Art tobe b 12.

berles to Bing James.

Cum triplici fulvum conjunge Leone Leonema Ut varias Atavus junxerat ante Rofas. Majus opus, varios fine cæde unire Leones, Sanguine quam varias confociaffe Rofas.

amboloeber is belirous to know fuch Milcellanea as the babe obterbes concer-

ning Scotland, let him read thefe Mecogds and Authorities following.

The Mecogds of Parliament from the beginning thereof, for the receivers and tryers of Petitions in the Lords boule. Rot, liberat, anno 3 Ed. 1, m.2, per Johannem Lovetot, Rot. paten. anno 20 Ed. 1. Gilberto Comiti Glovorniz & Hereford, Scotia, Rot. Parliament, 21 Ed, 1. inter placita, Rot. 1 & 2. Hovenden 1194. pag. 7. carta Regis R. 1. Mat. Westm. Anno Dom. 1260. pag. 302. H. 3. Rot. Scotiz 21 E. 1. Carta E. 1. & literz Alexand. Regis Scotiz. Rot. Vasconiz 25 Ret. Parl. apud E. 1. m. 2, 3. in dorf. Trin. 25 E. 1. coram Rege Rot. 6. Norff. Rafe de Tonyes case. Linc. 29 E. 1. Anno ao E. I. litera quas Rex per se & quas Comites & Barones Anglia per se An. Dom. 1300.

Inferente Domino Papa anno 29 E. I. authoritate Parliamenti, que irrotulata Litera omnium Angelia de la Comite de la Comi funt etiam in Scaccario. Vid. Walfingham 48& 49.

lia, &c. Papas

Rot. pat. 24 E. I. Episcopis Scotiz. Mich. 33 E. I. coram Rege Rot. 127. Sco-

cap. 79. rr Mar. ni Anno Dom.

. idoul lad tie Bol. Berbier Et datherelle Patifimentog Schnet BE Silv Bla Ffoli or Orayes cafe yé behir fil Tod abbinos fravianie oste o beid de Jahn Dartyes and

Box pathio H 3.4 pass Compach randel Bet Barl 1 a fight an 3.1 file 4 Bin Chail

22 E 3. & 23 E 3. breve de Parliamento magnifico Principi, &c. 27 file 8 file

39 E 3 fo. 25. Rot. Parliament. 42 E 3. nu. 7. 42 E 3. fo. 25. 8 R.2. tit. Cont.

chyme plautimo. 13 Hills fo. 5. Rot barl 2 Hills part 3. m. 7 B Hills follow

1 Bin Tologo Control of District Cont.

3 E 10 250 follow 13 Hills follow 12 Hills part 3. m. 7 B Hills follow

3 E 10 250 follow 13 Hills follow 12 Hills part 4. m. 7 B Hills follow

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3 E 10 250 follow 14 Esignior Zanthers case. Do beroze in the Chipter in the Significant of the Significant in cafe und Bekrieß The Abbinos Crowlandscale o 6 23d 6: John Dartyes Confe

Hiftoriz:

a babe obterbeb, that those of Scorland on agrie with us in language. with bath thio; bider in lawes. Prette other floe, the Dubjets of Ireland Difffer from he in Language, and agric with us in Labors, and therefore of them we that book fome work rate more at larger than a mount of the control of the co

Vid. fupra p.; c. * Ex infirumen-

to Lib. Hofp. S. Bede in History, of England, lib. 1

monou siveson

Regni de con fensu ropult fuis & joffic illud 'de execto vocari Angliam, 4ffd

CAP FACE AND Sec a Proclama-

t Eclibs.capia. Bedein hit Hi -Story of Engl. lib. 1. cap. 114

Vid.fupr. p. 157.

Amongst variety of Authors from whence this noble Pation of the Scots ariginally came, we fullow disnerable field in his Vision of England, lib. 1. cap. 1. and also from whence the † Picts originally came. And there you chalf read, that the Picts arising in Britain's planted theinfelbes in the north parts thereof, for the Britains had taken up the South part beings. And topereas the Picts arising had taken up the South part being and topereas the Picts arising had taken up the South part being and the booten the South part being the booten of the booten arising the property of the booten of the booten of the booten the booten than of the man, when the booten the booten than of the man, when the patients of the booten the booten than of the man, when the patients of the booten the booten than of the man, when the patients of the booten the booten than of the man, when the patients of the booten the booten than of the man,

And that Palladius in the eighth year of Honorius the Emperon : Anno Doa mint 45 to was tentiby Celestinus Bifpapor Rome to Be Scots that had received the faitheif Etiziff, to be their firff Billion and an in anne. Anne 350 than that the Scots de nothing differ from the Brickins in their convertal a til ma one: La see erampie, the leberal der thus are befrenbible to for the flate famous Bingtoms have found by worth experience, that unitying and incertain making of leagues, greatly indamageth the Commonwellith, and the Other beinger of fuch leagues to the Princes them to the Commonwellith, and briffe to ming James.

> Cum triplici fulvum conjunce Leone Leonem. Ule varing Atavus jonnerat ante Rofae, Majus opes, varios line cade unico Leones, sangume quam varias confociatie Rofas.

Elifofecber in desirous to knowing Mifcellanes as foe bate oblighed concerting Scotland, let bim read thefe Becopie and Luchezities follatoing. Wife Mecons of Burbament Court the portuning Correct,

and eppera of Perfriems in the Lorde bonde! Roc, beeat, anno 5 Ed. 1. m.c. per Johnnem Lovetot, Rot. paren, anno 20 Ed. 1. Giberro Comiti Glovornie & Hereford, Scotis, Rot. Parliament, at Ed. i. inter placita, Rot. 1 & 2. Hovenden 1194 pag 9. carta Regish, 1. Mar. Wehm, Ango Dom. 1200, pag. 302, H. 3. Rot. Scotiz 21 E. 1. Carta E. 1. & Iretz Alexand, Regis Scotiz Rot. Valconiz 25 Rot. Parl apud E. r. m. 2, 3, in doif I rin 25k. 1, coram Rege Rov. 6, Norff, Relede Tonvescafe, A. Barones Anglis Reaper le & quas Comires & Barones Anglia per le An.Dom. 1200. fanceulam in Secretary, Vid. Wellingham i. 2 % a.o.

Ron out. 24 E.s. Spiftopis scoon Mich. 3 1 E. sr corsm Rege Rote 127. Sec-

Line: 29 E. 1. Nobilium Ang. ing, &rc. Paper

. 613

sien Henricus 3. Sinoregni fai ta, mandavit Juficiario (no Hibernia, is convocatio Archiepificopio, Epolecopio, Laronibus es Milinhar ers legt facial Cartam Regu Johannies, quam legt feets, & jarasi à Magnait. bus Hiberete de lexing XXX wind walling swandis, & good le-

Onta po communitations terre Tiberni Mand Of the terraram, proin Bibernia teneantur, & cadem terra erfarm legicus fun fantacras, se per cafdem

To hall not nich to innertable another mask to halte of the Courts Ilac. &c. cap. i. &c. and another halte of the Courts Ilac. &c. cap. i. &c. and another halte halte in the bake in the England, and the lame Law, laving, where fome they have have make vide to a few the interest of the normal points mistaken the matters we will contained of the Infinite the fame by direct master of Mesory and with interest in and forme things which so the Infinite path house, of they have expectable the fame, is to will be light a touth, as much in amitted out of the Mesors, or case probable felf, beauty to be morning which me interest of the furtients their in the fame of the furtients there. And the rather, for that I have been more and benefit of his subjects there. And the rather, not that I have been into mesons by many of them that have had indicted places there, and partly of mine own knowledge, that there is no pad judicial places there, and partly of mine own knowledge, that there is no Batton in the Christian world that are greater labers of Judice (whereof we shall principally treat) then they are, which vertue until of necessity be accompanied with many others; and besides they are destrained of the ancient Britains, and therefore the more interacts with us.

If its, containing the Partiament of Iroland, being the Vigibest Court, there, where some pade supposed that the lame began in 17-B. 3. we shall make it apposed that the lame began in 17-B. 3. we shall make it appoint that the lame began in 17-B. 3. we shall make it appoints that the lame began in 17-B. 3. we shall make it appoints that the lame began in 17-B. 3. we shall make a face on time.

pear by matter of Mecaed, that then not only king fabn, as all men ogre, but H. 2. alfo the father of ming John, as † before it buth appeared, and in the mere † Pag. 12. H. 2. also the sather of ming John, as 7 verse to pash appeared, and in the right page shall be touched, did agrain and command at the instance of the Irish, that such lates as be bab in England should be at large and abserbed in Ireland a pore-by Ireland being of it self a distinct Dominion, and no part of the Lingdome of England (we'll directly appeared by many Mundozities in Calvins cast) has to have Parliaments bolden there as England, and thereupon in the reign of Ming John himself a Parliament boas bolden there; and of this Merchin critising

appeareth.

Rex Comitibus, Baronibus, Militibus, & libbris hominibus, et ompibus Ros. An. 18 H.g. aliis de terra Hibernia, falutem. Andemanifeste esse dignoscious contra Go- 3ce che firit y ronam, et dignitatem nostram, et consuctudines, et leges regni nostre An- of the Institu glia, quas bona memoria Dominus fehannes Rex pater nofter, de communi Soft. 212 omnium de Hibernia consensu teneri statuit in terra illa, qued placita non teneantur in Curia Christianitatis de Advocationibus Ecclesiarum et Capel- conlensu (a larum, vel de laico feedo, vel de catallis que non funt de testamento vel ma-lio contri st trimonio. Vobis mandamus, prohibentes quatenus hajusmodi placita en Chris it) is by Act Christianitatis nullatenus sequi prasumetis in manifestum dignitatie et Co-rona nostra prajudicium, setturi pro certa, quod fi feceritis, dedimos in mandato Justiciario nostro Hibernia Statuta Curia nofra in Anglia contra thehan transgressiones hujus mandats nostri cum justitisa procedat, et quod nostrum diagrati of exequatur. In enjus, Sic. Teste Rèse apud Wineheemb. 28 die Ottobris, tentuato Anno regni nostri decimo estavo. Bi mandatum est Fusciario Hibernia of observe per literas clausas, quod pradict, literas patentes publici legen teneri faciat. But an true it is that the tather of ming John, viz. H.Z. when he don conque. ted Ireland, fent that Treatile, instruien Modus tenends Parliamentum, in a fair Parliment Boll, faz their better bolling of Parliaments there, toolid you may read more at large before Cap. The High Court of Parliament, p. 12.

.20 111

Rex Henricus 3. Anno regni fui 12, mandavit Juficiario fue Hibernia, nt convocatie Archiepiscopie, Episcopie, Baronibus & Militibus ibidem coran eis legs facias Cartam Regu Fohannus, quam legi fecit, & jurari à Magnati-bus Hibernia de legibus et gonspetadinibat Anglia observandis, & quod le-ges illas teneans & observent.

Rot patigo H. ?

Quia pro communi utilitate terra Hibernia, & pro unitate terrarum, pro-visum est, qued mores legeneramonalites qua un regue Anglia tenentur in Hibernia teneantur, & eadem terra eisdem legitus subjaceat, ac per easdem regatur, sient Johannes Rex cum illie esse featuit, et sirmiter mangaruit. Idearolamus qual obalita Bredstude Committed Fare que current o langua smiliete entrum in Albernia and mono sigula legis. Teste, ora. Sud Wandfieck.

Coram Rege Mich. 33 E. I. Roc. 124. Hibernia.

* Nota. 1. "CO.59 bnalarl a

Majer Dublin, qui querebalur meri. The four arium Scotoorià Dubline, et verf. Barones Scotoorià du gravamimbre per apfat illatis, remittitus Parliamento, et inde bre : cui per Curiam dictions alt, quod gravamina fua riopoina, qui dicit quod non calus aft confultus, super que dice latius est. Ad quem diction nullas propasais querelais, Ideo committitur Turri Landon, et finem secis Domina Roji

Rot. Parl. E.a m. 31.

ings to beside! comir and

Dometimes the King of England called his Anhles of Ireland to come to his parliament of England, ut. And he special maste the Barliament of England may being the subjects of Ireland, as saking one example so many.

To Ottobris Rex offectors passificum statum terro Hiberman, mandavis Ricardo de Eurga Com. Ultan, et alia Nabiliam terro pradicta, qued fint ad Parliament. ad Parliamentum funn quad ammaneri fecit apad VVoftm. in Olfabis Santii Hillaris grax, ad tractand, ibid. com Proceribin, Se rogni fui super flatu terartige I PA Praditte.

sin excellent president to be followed. Inhentocher any Ad of Parliament (ball be made in England, concerning the Statute of Ireland, or.

Anno 35 B. 3. De Confilio summonit, proterr, babentibus in Hibernia,

Roc.Parl. 35 E. 3 irrot. fic.

Maria Comitiffa Norf. estimante below there ed Bools Aclianora Comitifia Ormond, or alad cast agamatiant is a remode and Jana la Despencer, Philippa Com. de la Marche, of candinities, andinona to the money Agnes Comitiffa Repbroke, with hen nos to marifor Chiality

a Rot. Parl. anno 10 B. 24 Rot.classifo B. Rot.claus.fo B.
a; m g S. & Rot.
claus.fo R. sim; g
Anniele Hiber
nis Anno Dom.
1309 2B. a. Parlinm: cent. apud
Kilkennis per
Gom. When &
Johnsonen Wogan. Justic. Hibern; a R. Magnates, & C.

nates, &c. b Rot Par. 17 E.

e Int. Ordinatio . nes pro statu Hiberniæ snno

Margareta de Roce, a vetat vett i kanada fi vanismo Diventina anota na privi Matildis Comitiffa Oxonias i tonal innat ulas nos ainsed H shannan. Catherina Comitiffa Athological de Advertigloda A Rhisimoo Catherina Contact of the Advertigation of the Catherina Contact of the Advertigation of the Catherina Contact of the Advertigation of the Catherina Contact of the

Do Parliamentes fingulis amels in Hibernia tenendit, et de legibus et confuetudinibus ibidem emendandis

Bereby it appeareth that there were Barliaments bolben in Ireland balage this time, and opder token at this Barliament that they fould be holben every year, and the line Acts were made in England in 4 E. 3, 8236 E. 3. for Parliaments to en in England 1 hasons

In Octabis Santi Martini apud Nottingham Ren de confensu communis Confilie fui fecit centre endinationes pro reformatione fratus fui Hibernia, et miniferrum Registiblem constant and in to as claufas, qued predict

2.1 parti perian. pradict. m. 3. e l'olumns et pracipimus quod nostra et terra nostra negotia, prasertim majora & ardua, per peritos Confiliarios, at Pralatos, et Magnates, et quosdam de diserctioribus bominibus in Parliamentis tractentur, disentiantur et ter-17 E.3.in Turri minentur:

3 H.S.cap. 13

Poynings law:

· Nota.

Letis Devisere land redults the Perliaments in Iraland according to the indication and take of the Perliaments in England as in the Mirital Andrea where it is to confer and treat De ardus & pregnitus regoins not it. Let en an exercise in confer and treat De ardus & pregnitus regoins not it. Let en an exercise in the Devisants of the Profinants of the Vid Lib. Album then about the more in the Devisants of the Devisants of the Divers Ads not treat any Parliament there, as time have the thought and transmitted and feeing good and profitable Ads of Parliament of 1012110. And transmitted And feeing good and profitable Ads of Parliament of 1012110. And transmitted And feeing good and profitable Ads of Parliament of the Ream of thicker to be informations. A timbe registral bogos included, *as within any of the Rings Do. Chancery there, and include a profitable Ads bas made at a Barliament bolden in Ireland in Early 12.

minions, a tight profitable To has made at a Parliament bolden in Ircland in F.N.B.178.a. Anno 10 H.7. before Dir Edward Poynings then Deputy 02 Proces in Ircland, 12 R. 3: 13.

Anno 10 H.7. before Dir Edward Poynings then Deputy 02 Proces in Ircland, 12 R. 3: 13.

Anno 10 H.7. Poynings law.

Whereby it is enacted, that "all statutes late made within the Realm of England concerning or belonging to the common or publick weal of the England concerning or belonging to the common or publick wear or the farm, from henceforth be deemed good and effectual in the Law, and over that be accepted, used and executed within this land of tretand, in all, points at all times requires according to the tenor and effect of the fame. And over that by the authority aforelaid, that they and every of them be authorited, proved and confirmed, in this lame Realm of Incland. And it any statutes on statutes have been made within the laid Land heretofore to the contrary, that they and every of them by the authority aforelaid be admilled revoked, and made void, and of none liament ender his Great Seal of Eugland had and owelled ni tolks

And Hit. to facous Regis, to hid fremos bythe two Chief Audices as Cuter Baron, that this To enter Placed the beginning or the use the antice field for I to that this As enterose the baron and Attend Declinates fore I to that the An epicebourte Magna Cross adus in all Adused Declarations many in England, here et this Acros to H. 7. But it is to be abserved that inches the Acros the Acros to H. 7. But it is to be abserved that inches and is not particularly named or generally inclined. First with nonly exempt to populate and for it be grupersed by the fame in the period of the fame in the period of the production of the production of the period of the pe

Mahafi berteit in and in what manner a Parliament is to be the in the land which the counce and Counced a counce on to Met de sand of the counce was son to Met de sand of the counce of

The Lean of the Council arroad their Letters to the two Law Juniors and thief warps.

After our hearty commendations to your Lording. Whereas his Majery for divers weighty confiderations had relived to hold a pulliament in the Realm of reland, and that by an Alt maile is elle tench year of H. 7 called remain At it is provided that in such Bills is hall be obsered to the Parliament there had be first transmitted lies hall be obsered to the Parliament there had be first transmitted lies and approparion here, shall be out under the Great Sear of this Lingdome, and to returned thither to be preferred to the Parliament. Lingdome, and to returned thither to be preferred to the Parliament. Lingdome, and to returned thither to be preferred to the Parliament.

Parliaments in keland holden at this day. Hil. 10 Jasobi

vers Billsus well publick as private, some of which Bills were first agreed on here. Tome others were framed and conceived there, and coming now hither may happily receive amendment or alteration: we have thought meet for avoidance of any question or inconvenience that may arise of the manner and form of proceeding in amending or altering of these Bills. hereby to pray and require you calling to you his Majesties Accorny and Sollicitor to look into Populage All, and to confider of some such course as shall be fit to be held concerning the same, &c.

Dated Ultimo Fannarii 1612.

Subereupon in this Term the late Thief Julices and Chief Baron, and the Artorny and Pollicitor were allembled two leveral dayes at Serjeants finne, and had confideration not only of the faid Act of 10 H. 7. cap. 4. but of the Act of 3. 4 Ph. & Mur. topid: Intituled, An Ad declaring how Paynings Ad thall be ex-England concerning or belonging to the common or parates but habeven

3 &4 Ph. & Mar. cap. 4.

> samo kino basimi pol

for hangage in melder! breden Veb will a idoset or till

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> For by the laid Act of to H. 7, it is provided that no Parliament be hereafter holden in the laid land of Ireland, but is fuch feafon as the Kings Lieutenant and Councel there first do certifie the King under the Great Seal of that Land, the causes and confiderations, and all free Acts as them fremeth should pass in the same Parliament, and such causes, confiderations, and Ads affirmed by the King and his Councel to be good and expedient for that Land, and his license thereupon, as well in affirmation of the laid causes and Acts, as to summon the laid Parliament under his Great Seal of England had and obtained in That done a Parliament to be had and holden after the form and effect aforerehearfed. And if any Parliament be holden in that Land contrary to the form and provision aforesaid, it be deemed void, and of none effect in Law, and

Sun quel Alt divers doubts et ambigutties fuer confeive et ascuns de ente

i de que nificiet ac

fuer de greinder difficulty que auters.
onen a Es primerment un dente fuit conceive le quel le dif Act de 19 7.7. extend al faccesors le Roy H. 7. intam quel set parle salement del Roy goneralment et ne de fer fuccoffers. a. So le roigne Marie fuit deins ceft paral Roy. Et coment que cente ne fuer matters dascan ambiguity, car cest parol fon que import son politique capacity ne unques mort, et est cant parle indefinite extend in ley atouts fes fuccoffers, uneme ceo eft ifeint ex gound per le dit All de 3 & Ph. & Mar. Et que le dit Att de 10 H. 7, extendra to the King and Queens

Majosty, het Heis and Successors.

2. On le Act de Repringe de Che Kings Lieutenant and Councel there) formule fuit concerve, si le Roy appoint un per nosme de le Deputie, on Lord Justice, chief Governours or Go-

Lord fuffice, ou fil conficiente a Lords Justices, chief Governours or Governour, et le Councell, de . Et quant a scan est explane per le Act de 3 et 4. Plug et Mar, que le dis Act de Lerming extena a tous con parais in tact de Roymings. And inch caules, confiderations, and Acts assirmed by the Roymings. And inch caules, confiderations, and Acts assirmed by the King and his Councel to be good and expedient for that Lind, Roy La que le Rey part fair along change on alteration des causes confiderations on Acts que fore transmitt and be le Lieutenant et Councell à treland, car été mells que fore transmitte son de Lieutenant et Councell à treland, car été mells que as par le pur ces fuit neces-

28 Martii Auro dorgin

ther forethe pathing of the wild was do in their formand certor as they should be fent into Baghard or elle forthe change and alteration of them,

or any part of the same in the lappared described a set of the door a familiament to be had and holden, the firms and are the familiament of the same of the same

Seal of England. In it 25210713 Have to be bounded as the north and not at the fine of the force a Rathament to be holden be quelle Louisenant et Court d'Andreas après le Santament commence for et pondence Parliamento prient du north et princesse de la faction de la commence for et pondence Parliamento prient for desire et princesse de la commence for et pondence Parliamento prient for actual et princesse de la commence for et pondence Parliamento prient for actual et princesse de la commence de transmitte alcom anters consideres sons somble at apart, provident et consumers come sembles, a our bone defins constitue malimede Parliament deins in Reclare de treland to quel est explaine per leadin All de 3 et a Phaes Mar. in expresse parals, que els paient, object estimates a single establis es

d'ireland bequel est explaine per le des des de 3 et 4 Phiet Mar, in expresse parals, que els paient. Osc.

Nota hesteux larder del proceding et sommens de l'artimient in sectand.

Primerment le Lieutenant et Conneell la daint rerresser despute le Grand Soale d'Ireland le canfire et considerations de toute tiel à des come servelle à son pane a passer en Rasiament, issuit que le original revient a commençee la 2. Ils causent destre officeme en alter et abance et returne des aubé le Grand Seale Dangliterre.

3. Licence desont la grand Seale a son des la son en la Parliament es come appart devant. Et suit anci valgève una voce. Il Que ses conset, capsiderations, et killes transmitte icq dispath le Grand Seale d'Ireland daient destre cossaire preserve icq in le Chancerge d'Angliterre, et ne remande.

2. Sile seint affire et anglant dans le Grand Seale et retonne en ireland, et aout ceo que posse et grand Seale des resonne en ireland, et aout ceo que posse le Grand Seale des mobile sept in le Chance-tye.

3. Si la deste transmitte icq original masses destre involte sept in le Chance-tye.

3. Si la deste transmitte icq original masses destre involte sept in le Chance-tye.

3. Si la deste transmitte icq original masses destre involte sept in le Chance-tye.

3. Si la deste transmitte icq original masses destre involte sept in le Chance-tye. frint alter & change daient come en un continent defire referne defouth le Grand Scale Danglicerre a cour in Ireland, tout quel doit defire involle icy in le Chancerne Danglicerre: Nes le Danfeript desouth le Scale d'Ardand que la remaine in le Charcorge ich ne fernament, mes l'aminament forca defruite le Grand Seale Danglitorre come sit amandit. A Lit amondments av alierations icy fore come est avande retouene in Ireland fant elem fignification on certificat dallowance de coux per conx de Ireland car ficome les Atte mayons ariginalment de troland, ifrints les amendments au alter grinn meriont des in Angliterre, 5, Touts les Rils que font transmits les de treland fent eve le petition del Deputye of Condeall in Roy cause enfemble delenth un Gra d'Ireland. 6. Touts les Bills que font affirmet ou alser ich frient retourne en femble desoush un Grand-Scale Danglittere.

wire del Countes de meser ord fait prise del dis Countes de Shrens and ank

Le mus our ratere Leiters des feigniours del Conneell, 27 Septemin, 1612; s, des recor f fultiers et Chief hayon fuere require a confider del de cafe (que The conserver a lour Letter's Lite Ertific lour opinions de eco.

Delter a que per Councell en le del dit Country devient les die

cross go conf Laren, fur que ile suefferon ser smear l'arra que

ther to-are not inoquirenduments to lead additional as they should be fent into responded to 8, 1418 c location of them,

28 Martii Anno domini 16:2.

Per forçe de certain Letters Patents de 28 Martis 16 22 del feig mours del Privit Councell direct al Sir Hundfrie Prinche, In Fames Lea, Sir Anthony Studieser, et Famer Vallerton, "la corrificul aix seigniors le glaim de Swilbert Counter de Saloy aux dignities del Countre de Waterford et Barony de Dangurodh in Treland coma enfaif. Le Roy H. 6. per fes Letters Patents Attach The de fon raten granta a fon brefebier tofin Gobb Countee de Strensbury in confideration de ses approved & forall services in le City & County de mane de sin Holand, pro co quoque quod per equidem confanguineum notroit pra dicta regis notra Hibernia in partibus illis contra hujusmodi minicolium & tebelimmi nontrorum infultus potantius defenderetur, ip-Comiteni Waterford una cum stilo & rigulo ac nomine & honore eident debitis ordinamus, præficinaus & creamus Habendum, al dit Connice vet a les beiresmales de fon corps. Et oufire per mefme les Letters Patents granta les Castles , seigniories , bonors , terres et Barony de Dune a van al die Pahn Countee et a les heires males de fon corps, les premiffes defere cemm del Roy et fes heires per homage et fealty, et le ferroice destre femefebal a fon Mateffy in le Realm d' Ireland. Puis al Parliament (commumement appelle des Abfentees) seund al Dublyn in treland, 'I Maii, Anno 28 H. B. Just engle (per reason del long absence del George Countee de Salop bors de melme le Reulm) que le Roy, les beirs et afsigues avera et enjoyera in droit de fon Corone de Angliterre tous honors, mannors, Caftles, fereniorie), franchifes hundreds, liberties, County Palatines, Furi dictions, annuities, fees der Chivaler, serres, tenements, Oc. et touts et fingular poffesions, hereditaments, et touts auters profits, cibien Spiritual come Temporal, quecunque genx tedis George Countee de Sprensbury, et Waterford, on afcun auter person ou perfone An ale avoient, Ge. Le Rey H. 8. per feg Letters Patents, Anno 29 de fon veien recitant le dit fratme de Absentees, Nos pramiffa considerantes & holentes flatum, honorent, & dignitatem prædicti Comitis dimisuere fed amphus augere, ex certa fcientia & mero mora &c. Granta al dir Countee et fes herrs l'Abby de Rufford ove les terres a ceo perseguant in le County de Nottingham; et le feignory de Botherum in le County de Tork, les Abbejs de Chefterfield, Shirebroke et Gloffopdale in te County de Derby ove diweets hinter reives et renements de grand watne defre tenur in Capite, et les wathens fact dellements de cour per cour de Iroland car second et said and 121 De quel per le longe absence del Countre de Salop bors de Treland per que

is Le quel per le longe absence del Countre de Salop bors de Treland per que les Rojs et fubjetts manuel lour des ence et assistance la comment le expresse confideration del brechtion, le virle del bonn est pordue on sorseit. Le dis Countre escant Pier del mubilieux Realms et residing icy.

2. Le quel per le dit statute des Absenters, Anno 28 H. 8, le title del dignity del Countee de Waterford soit prise del dit Countee de Shrewstury cibien comme les mannors, terres, tenements et auters hereditaments in mesme Last specifie.

Et puis per auters Letters des seigniours del Councell, 27 Septemb. 1613. les deux Chief Justices et Chief Baron suere require a consider del dit case (que full enclose deins lour Letters) et a tertisse lour opinions de ceo.

Quel case fuit a que per Conncell erudite del dit County devant les dit Chief Fustices et Chief Baron, sur que ilz presteront advisement (apres que

ils ont divers faits her le Preamble et tout le dit At de 28 H. S. fefque a Term de St. Mich. Anno decimo Jacobi Regis, et danques fais motores refor a enten de cua honor ou hereditament merstingus sonos xuensquelos

Quant al primer fuit ne folye, que intant que nappiert que afoundefeuce fuit requisite et que le consideration executory nest trove per office destre infreint, ne judgement done in Soire Fac', aceft coufe que la dis Cauntee de Salop, ceo

nient obstant, ramain Countet de Waterford : (1 2011) uf 201 21101 ob 1101 1101 ob 201 aut fenter nad tolle solement les possessions, que fuer donc a luy al temps de son creation, mes auxi le dignity melme. Car coment que un poet quer dignity launs ascous possessions uncore cao servoit pleine da inconvenienes, et a cest cause le dit des de 28 H. 8. Leona causs auters. Acts doient estre pserva expound dontes tont inconvenience; es par lee per les general parells del Att. (fc. des boners et bereditaments, file dienity mefine que les terres dones ur maintenauce de cea font done al Roy, et le dignity extinct in le Corone,

Et est digne de observation le carfe de degradation de George Nevill Duke Rot. Pathrene. de Bedford, que fuit fait per force dun All de Parliament, 16 Januarii, Ande Bedford, que juit fan per juite erection and making the faid George Regis E 4.17.

Dukes expresse le caufe de son degradation in ceux parols

And for to much as it is openly known, that the sain George bath not; nor hy inherite normal have any livelihood to support the fato mame, estace, and biquity, or any name of Offace, as oftentimes it is fren, that when any Logo is called to bigh chatey and bave not livelihood convenient to support the fame pignity, it induceth great poverty and indigence; and tauleth oftentimes great Ertortion Imbacery, and Maintenance to be had, to the great trobble of all fuch Countries to ere feich Offate fhall happen to be inhabites. . Wherefoze the ming by the abbice of his Lezds Spiritual and Cempozal, and the Commons in this prefent Barliament aftenibles, and by the Authority of the fame, apaineth, establisheth and charteth, that from benceforth the fame erection and making of the fame Duke. and all the names of bignity to the tail George or to John Nevil his father he from benceforth bold and of none effect; et.

Ducis Bedford.

In quel Alt 3 chofes fuer observe, I. Que coment le dit Duke navoiet ascun policisions a supporter fon dignity, uncore fon dignity ne poet effre tolle de las fans Alt de Parliament. 2. Les inconveniences appiert on grand ede luy sans Alt de Parliament. 2. Les inconveniences appiert ou grana estate on dignity nest pas accompany ove levelibood. 3. Ceo est bone cause a toller le dignity per Parliament. Et pur ceo le dis Act de 28 H. 8. serre
expound selonque le generality del letter à soller tiel inconvenience. Et coment que le dit Countee de Salop soit non solement de grand bonor et vertue,
mes auxi des grand possessons in Englisterre, uncoré ne suit lentention del
Act a continuer luy Countee in Ireland quant ses possesses in Ireland sucr
tolle de luy, mes que le Roy a son pleasure pust conferre cibien le dignity, come les possessons a ascun auter pur le défence de mesme lo Realm. Es les dits
Letters Pasente de A000 29 H. 8, mad parais a restoren le dignity que Lact Letters Patents de Anno 29 H. 8. nad parals a restorer le dignite que Latt de Parliament ad tolle, auxi ne suit lenient del Roy diminuere statum, honorem & dignitatem iplius Comitis, sed augere, cenx font deffre entendes des possessions pur maintenance de son dignity, car cant appiert per cest parol [augere] car il increase per mesme les Letters Patents ove exceeding grand bounty le revenues del dit Countee de Salop en Angliterre, quel le ton penfe fuit un increase de son frate, honor & dientry, ifsint fon dienity in Angliterve fuit increase ove large possessions in Angliterre in lieu de tont ces que fuit rolle de luy per Latt de 28 H. 8. Et ou fuit object que les generall parols [des

norses hereditionents Jour explainer qualific per des dits relative fubfiquein (quenteralin Grongo Counter de Salopon afammimoen & foncotes des ipor vio ne ferra entend dafcun honor on hereditament mes fort anters potent jo feifie ut loke, we recommit port adel distribigation, et par acade, dit sett accombiga-ces Merchon fe defere grifene dilande fingula fingulat, et des parale quante du George Counter with hale faffinens apuffer de digning, wie on res ground te opinion de touts les Justices Denglisement Mevils male, fun matiel parole unte Amire 16 H. Shinter part tiemes Report, for age er 97.

Rot.Par. 3. R.z. DH.43.

There is an Ag mave in 3 H. 2. worthe Bere of remembrance, which never than ser princed. It is enaged, that difference of perfore whethever, who have any links or renembers, which or other words were the compared toithin Geelaind, ipalluvollos orquined nacheche amen Ann ebatalistas andook cheesand Califororaches Appen, Hall topicle the found on funnification men chie the palence, and that august of the little and the little at any time appart, then buring their absence to appoint some able to supply his room, atherbise the Agreement to be put in execution in these days.

Rot Pararet.

Dominus Run vale & precipit dura de exterostingulis annis Conel in anno Rot. Hibernia, composes Hibernia, & Basanas suos.

Rot Pararet.

So is idean audiatur per Thefane, Ribernia reddatur ad Scargarium Anglis, & ibiden audiatur per Thefane, & Basanas suos.

A merestate later, and much

for the benefit of the thing to be observed and

A jong decreso couching the cultons of the bony and dands of the heirschoithin age, toberein thete magbe are containen. Etienm una & eadem ben offe de beat tom in regno Angliz quem Hiberniz. Aite maits of Caraz of Jungements often in the Rings Bench in Ireland, Mich. \$ 2 E. 1, cors will oge. Thephyld Werdons rafe, Beeveldelerrore Super brev: degruore Bot. 76. Pafch. 30 E. to coram Ruge Rouge inbreve de amore, Mr. Williamdels Rwers cale, Et Tro 3 E. 1. Rot. 36. Contondatum est per connes de Concilio negia, Episcopis & alia in Hibernia unanimiter, quodiconfuerado nfitata in Hibernia de ponis tellatorum talis eft. & Ro.par. 23E. 1 quad uchi, &r.

Peringe vinorum in Hibernia, and the manner of the fating of the fame. At a Spnot holden in Ireland by St. Petrick their Apolle, it was ananimously

agreed that Brich Priests should have wives.

· Tres Petitiones porvetta Regi contra Eliam de Albarnham militem Fußiviar, domini regis in Hibernia de divorsis malefactis, &c. per ipsum gesperra-tis, qui dicit quad non debet tractari, nis in Hibernia, et ibidem terminais: et quod operiet in um danginum regem in ormars per sudict amenium 12 fur, vel per Appellum formatum et Attachiament, ad fellium partis seoundum legem et consuctudinem regni regis Anglia haltenum usitat. Curia vult inde advisari, et interim manucapitur. Postea dominus rox mandavit breve quod caperent et interim manucapitor. Postea domina manucapt, ad respondendum in Aibernia.

manucaps, ag respondentum in Historius.

Admitsitar Episcopus Exon, pro sine 200 Mars, pro contemptu in non allmittendo prasentatam reçui ad Eoclesiam de Sonthwell, pro quo contemptu
amusa remporalia scissia fuerunt in manue regis, et tunc temporiu ante sinem
fatt, vacavis Archidicionat, Cornubia ratione quod incumbens electus sast
in Archiepiscopum Dublin in Historiia (semporalibus Episcopi Exon, ad sunc in manibus regis exiften.) per qued deminus rex recuperavis verf. Epifes-

pom det Archidiaconal

But this Merend that conclusions are to be observed. in Though Ireland for bath been faid, he a nelling mingrams of a fell, per it is governor by anguan dame less that Angland is, a Abat when the Archdeacon was by the Bing Preferred to a Michapite the han the presentation to the Archaeacoury in

Trin. 13 E. 1. coram rege Rot. 38 in breve de errore, Hibernia, Apud Weftm. 22 B. 1. Rot. 5. in breve de errore Inc. William de Veley & P. filium Thoma, 5 E. 2. error 8 9. 3 15 E.3. ibid.72. 34 Aff p.7.Reg. F. N.B. fo. 34.C. 11 H. 8, Kelw. 201 15 E.J. Record 38. a Pafch. 28E.T. coram rege Rot. 98 Hibernia. 6 Tr. 33 E.i. coram rege Rot. 134. Hibernia. e Tr. 18E 3 coram rege Rot. Sir Elias Afhburnhams cafe. d Pasch. 24E.3. Rot. 25.coram Rege.Cornubis 144. & Bract.li. 5.f.195 7 E.3.9. 13 E.1 41,42.

eries of the Lempotalities of the Endup of Exceler Batton afthe Authoracoury; the not by any a precognitive. And for the facilities in Tecland be name as This is appa-

Bilhoy in England.

The Bilhoy in England be made a Carolinal, the Bilhoptica becomes with, authorities, To 32 Electrania the bilhoptica is afficiently Rege, Rot. 77 Minutes and the bilhoptica is afficiently Rege, Rot. 77 Minutes and Manual Manual

V. F. H & 7 13 6500

I finde an ancient Record touching Ireland necessary to be explained, in these 66l. Dier 3.8.6 100201 F. g. Rest, 2. ex pance R.c. Regis and cineis asher Records in cl

Rex Thefaurario Hibernie, Salutem. Cum Educated printegratus no a timop made for terram Hibernie habeat et seneat de dono nofivo cum outpillus pertinosis a Cardinal college adeo libero et quieté ficut eam in manu nafiro teneremo, per quiet plus et el Safo en il important de finitation de finitat

By this Record first teappeareth, that, as the lainfeast taken at that pay, by The like grand gift of ming H. 3. him clock tonne Bristee Edward was dore of the Bounding Was made of it and of treland. Deconoling that albeit the wife of Frince Edward was by H. 2. to his ula habe a butp calle not Queen in name, but had the effect of it, therefoze the the Augum Regine, as well an the Queen of England, being but Laap in Irel Not albeit the kings of Ireland were (until the Otatute of 34 H. 8.) filed it the name of Loza of Ireland, pet inan be impremue, and absolute Dominus, as had royal bominion and authority, and that his doublet him larger veritate it.

ban royal hominion and authorite, and that his danfast mis larger veritate legina, of elle the could not have had Aurum Regine.

Albeit this Moyal Dominion and Land of Ireland in his larger time are his progenitors. Albeit this Moyal Dominion and Land of Ireland in the of incient time are his progenitors. All this moyal Dominion and Land of Ireland in the of the first of the first of the bings formes before mentioned, pet by the Al Kingly juril that the ming by his Letters Datents could not after the moral of the hingsonic of England. And that both well appear by this, that when ming R. a. is his factors. Datents of the hingsonic of England. And that both well appear by this, that when ming R. a. is his factors. Datents of the hingsonic of England. And that both well appear by this, that when ming R. a. is his factors. Day of the hingsonic of England. And that both well appear by this, that when ming R. a. is his factors. Day of the hingsonic of England. And the state of the hingsonic of the hi

Croton. Sed novus ifte infolitus & umbracilis honor cito evanuit.

Rot. Par. 13 R. 2. nu. 21. the Bing by authority of Parliament gave the title of Bute of Aquitain to his Ancie John of Gaunt, Bute of Lancafter, and it was

authorities. Trut. 3 E.r. coram Rege, Rot 75. 218.3.40. 41 E. bRo. Para 8 H. 60

Land of Irefand by H. s. to his fon John.

e 33 H.8.cap. t. And fo it appeareth by this A& that the King & his progenitors
his progenitors
had before this
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by confest of Manhaneur, and could not be grouped by Actiers Patento, because it man our of the stilles and Kies of his County Colon, And this although Con begin and end in bim.

Yearn yel Aunum Reginz.

17 hale

But now it is necessary to be known what this duty of Aurum Region is amberein these things are to be considered, and is but all barry, and warrant in Law there is for this duty. Decombly, what it is. Thirdly, what is sufficiently. thereby. Stuffe in Lib. Rob. in Scaccario fo. 104. de Auno Reging, where it in lair, that it is to be taken de biis qui foone de phigant. Regis. Regis. Regis this pretent Record of 52 H.3. Vet. Mag. Carta 2. part. to. 65. Vid. 10 H. da Stat que Roseland to the

A Mecago in the Erchequer Termino Hil. Anno 4 B. z. Another there, Hil. E.3. Rot. 3. ex parte Rem. Regis, and dibers other Mecogos in the reigns of R. 2.

Remo Rege Hill Rot. 3. Rot. clauf, 1's E. 1. parc. 1.m. 21

Anigali ingan

Rot Parl 7 R. 3 au. 61. 3. bas 1

widos : Hyd adal nol A AD. BH SS S Andto r appen-San & water

Hilia E. R. in

Scae, ex parce

H. A. C. unfil ibe reion of Union and others object mesopos in the reigns of R. 2.

H. A. C. unfil ibe reion of Union and the course of the party of the course of these receives it appeared that the course it down have the sport of the course of these receives it appeared that the course it is a second of the course of the teamen on both floor, and meta-of floorers at left it was estobled by them, all, and he Rouner Chief Julies report to the floor, that the puty belonged to the fluid much belonged to the fluid be loose from the publics and at his pleasure where the built give it of any he floorer from the publics and at his pleasure where the built give it of the floor for the public and therefore sines by offended, by attendance, of the side, and no part of this puty.

2. It must be freely, without any confloeration of any grant, sale of lease of any thing builtering both any noblander estates of inversely. This precent which we will be force sure sure states of the side, where built the family sof there is quid pro quo. 3. It must be sponse super aliquational derashold deep grant sof the subject sponse offer to the Union sand income butof the fame 166 there is quid pro quo. 3. It must be sponce super aliquest offidell'aciones & 2. To example, it the kubier sponce offer to the Ring soprationer
of Cortaining by the create a Cenure of himself, of to have a Faic, Parket, of to
make a Park of the fike, where the Ring siministic me part of his tevenue,
softer of interest there discum Region is vanto the Aniem is 4. Of Substitutes,
Afternis, of my other grantice of the more grace by hemsolvenes of the substitutes,
Afternis, of my other grantice of the more grace by hemsolvenes of the substitutes,
Afternis, of my other grantice of the more grace by hemsolvenes of the substitutes,
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g Kor.Par. 9R.s A Tao H St. C. or Migata s.Ho

perid Country, ind was elligisted to Country eraded. And all will be with thise their Auberd Besbons, and thoreupon the Ariby in the erate of the Brehon Bre

us Rot. Par. 15 R. al nu. ar. the faint by authority of fearhament gave the fifte of m ;. Duter of Aquicain to bit Lineth John of Gabat, Bute off ancather, sub a Bies

Bex, tro Fohnani Marescalle dedimen et cancesciment pro Hamagio et ser, Rot, par 9 Jo-vicio suo Marescalfiam nostram totane Historius cum manious gerichtorius. Tohanni Mare-Habendum sibi et harresibas sun de nobis et herresibus nostra. the Lord Morily autient erine pefore it bied fo the Cord bei beford,

Manualli ige

bee the Register, that it an Archichagich of Assistant the Include Register in Archichage of Assistant that the Chapter shall lie to the Ling in England to go to elicities, and described and in the country of the Chapter shall be to the Ling in the Chapter shall be the Chapter of the Chapter of Ireland, or his Lieutenant, repeating all this cery here, to the Chief Audice of Ireland, or his Lieutenant, repeating all this Mich. F. E. co. find neatter, and commanding him to take fealty of the Bishop, and to restore him to his Lemporalities. But now the course is in Ireland, in make such that there in the nadia of the Bing. But the Bing names the Archistops and Bishops F.N.B. 169, 170 there, as by out in Bogland; and then the Chapter thank him whom the Ring names to him, and thereupon Marits are made of course.

And the tealon of this change is markly to be meaned to the Chapter of Ring Indianal and the tealon of this change is markly to be meaned to the Chapter of Ring.

But after that the library of Bishops, or, extended only the chapter him whom the Charter of Ring.

as the Commonitorally was established to be governed by one law with the Jan, and now thanged, and the lame course taken there, as it is in England.

And whereas heretofore some, not without scandal, have niveled this Kingram.

vio, fi poteft; fi non, utcunque filentium tegat.

And whereas heretologe some, not without scandal, have violeted this kingdom native by the into the English Pale, and the wild here oblivious hury it, og silence tower it, King. To an a man map justip for now all are reduced to obedience and tivil behaviour. So as a man map justip in E.3.i.b per say of the old Britains, Spint in heliogeores, & in pace sideles. And so that forme have given out that the Crown of England has this Country of Ireland of Scone, &c. the bonation of the Pape, we will ingenuoully manifel the truth therein by the & Auferac obli-Records and writings themfelbes at large.

bnomwo'T

Altisonantie Dei largissus elementia, qui est Rogum, et Dominus do- The Charcer of minantium; ego Engurus Anglorom Basileus, omnibunque rernantissalarum made An. Dom. Oceani qui Britannium circum acent, connectarunque Nationum que inste of and in the eam includuntur superator et dominus, grattari ago losso Deo Omnipotenti 6 of his reigo. Regi meo, qui menu imperium sie ampliavit et avallatatis super regnum patrum meorum. Oni licet Monarchiam totius Anglia adepti sunt à tempore reduced England discelland, qui primus Regum Anglorum omnes Nationes qua Britannium co a Monarchy. incolunt fibi armis subegit, nullus tamen corum altra fines imperium suum dilatare aggreffut eft . Maile tamen concessit propitie Divinitas cam Anglarum Imperio omenia regna Infularum Oceani emu fais ferocisimia Regibus afque quered the greiNorvegiam maximumque partem Hiberma, com fais ferocisimia Regibus afque quered the greiDublina Anglorum regno subjugare, quis etiam mines meis imperio, colla subdere, Dei favente gratia, coegi. Quapropier et eso Christi glorium et landem
in regnames exaltare, et sias servicima amplificare devotas arposas. Et per Noce the piety
meso sideles fautores, Dunstanam, uici, archienistanam Agelyslanum ac Ofmagna ex parte dispositio de . Falla fautobas Apun domini 264, Indestinae

8. Regni vero Edgari Anglorum Regis 6. in regia urbe que an inchis Ocio. 8. Reant vero Edgari Anglorum Regli 6. in regia urbe que un inchis Geloapecealirse nominatur en natale Domini settrutum Sanctorum Innocentium
feria 4. Co. A. Ega Edgar Basilens Anglorum et Emporato Revoluti quondan sun
gentium com consensa et Princepam et Atchienssoperum meorum bassi
meam munificentium signo mes corroboravia, per Ega Allen Resida consens
et signo Crucis consirmatic. Ega Danstan Archienssopus Dovahor. Ecclesta
(inter alia) les
christi consensa et subscripti de Ego Osticel Anchienssopus Boraconsis Eg Aaa

og Ecx. and Southern Merel cathod cathony et ence with the stations of the station of the statio the Lord Morly ,b brooks aland of aucient time befoge it was lubien to the Crown of England, you may read The state of the Chief Indice of Ireland, or the Acquire editions of the Content Mich. S E.g. co- fin 43. Hibernis. receptore, to the Chief Andice of lieland, or his Lieutenant, rehearing all this matter, and common in this to take feat p of the Lieutenant, rehearing all this is and common in the courte to in Ireffice for the Courte to in Ireffice for the Courte to in Ireffice for the Courte for the cour Of the Pentarchy of Ircland. And where as prectofage gone, not without francal, bone orthose this kingdom in the fine benefit and the control of the contro native by tire. King. 10 E. t. 1 b per Perning. 17 E. s. 40. Per tome have given out that the Command of the Country of Ireland of Stone &c. & Al ferac colivio, fi poteff; fi receips sup mittellen de parite er fuite. non, utcunque flentam tigate Towmond. Mistorischgenoth ageife. Atrakasia, die Arwallad eine et Manker de The Christ of minantiume of Struct of the Christ of minantiume of Struct of the christ of incolunt fibi armis subegit, andus tamen corum abrea fues emporum janes eis-Treland part 33 Counties, bettoer Cities, these are definities of themlelines.

Thing I 20 at a Barlimbens bolines as Oxford, Andre regular 22 offenes bis
ting John thing of Ireland. Must shallecepting Bings largete themselves Domini King Edgar con-Dered the gred. Hibernis, mutelabe 32 year of H. 8, in which year he food upon him the warns of ST to HE fi land, wiff the hing of freland.

It was enacted by Authority of Barlinnent, that rivery man buring it generally with the first was exacted by Authority of Barlinnent, that rivery man buring it generally by the control of Bilbery so perming to the mings mind the ninth part cheriof, of that they dishe Plate by Chyn thereof at the mings with the river mind part cherion, and of the mings with the course for the part of the mings are an income cause thereon are at the mings are at the minds and the minds are at th vill adoa from Ror. Parl. R. A.
nt. 43 in England.
Mines of Gold
and Silver.
Bracklis at Yan rage the films, parengute feer ramothat none cause thereout any of the Solo of the market but and England, without the Sings licence, the point to lote the Comes in his and Salber within England, &c., to the Dube of Agrandocall Gives at Colo and Salber within England, &c., to the Dube of Realford Agrant of France. &c. rending to the Church the tenth part is to the aponer of the voil the emention part.

Lo conclude with isomewhat which tends to the honder of that Arabic Marion.

Certain it is, that which his Liberal Morney in Surope in man manner buried in Victorial with their invest case for in Surope in Market as made Fleta lib.4 fo. 119, Fl. Com, in the cale of Mines. Coynian at Dublin. incer and the bernam, Re. fand , thither wie our Gugliffe Marons troais an Co 4 Angra of Warber of Good AZZ

Chico mon caule it was in reds behave shrada narlw him thould be successive, be

the old rot en-

Grandchild: More the degrees within Ba sedi

The general

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For of the precedency of the King hindelf and of other King hindelf and of other Kings and hiprim. Princes I take not upon maso one works, but referre you so learned Condin Lib Mind. Sus challen Donner 1800, 27 million Pile in the property of th

C Altorber Dukes, Se. Reife Ming fronte erene auche to the effore of Deetle Mathe Commun lett, the Ming to the priogrative engabnight givenneben Præcedere eft neur, apputation and photony to dis Committee and anticipation of the free ing to his milesom, which precedent is an excitation to dis milesom, which precedent is an excitation to distribute the distribution of the first distribution of the first

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prijable fries sting wenter sidenopalar Maddam in die stirt of Alchmond, dan or Al. Pri. I granist also deserve passes et als. Value placements also deserve deserve passes et als. Value placements also deserve de la constitución de la co right band) amongst themselves.

bath the precedency of them. But the other Bishops babelance while Barons with Scalm, what where the best the best property of the best of miam, but they give place to Wifcounts, Carls, Marquelles and Dubes.

Concerning

dere. Quipizcellic pizseders

of Acendel and Moubicy Earl 1640

Marihali cafe. a Holl Chron. Pt. 200

Fail. 143 different a House m. 22,23,24.

cause it was intended that when the use of him (hould be necessary, he should not endure longer than renealed. bac vice. * i. The Kings Grandchilde. Note the degrees within

Note, the Lord Concerning the great Officers of the Steward of Bog 100 Mether of the Officer Steller of the Ste 18, maki at the short capal buttur certain degrees a but it is authertain at England. O. The Contrable. 7. The 8. The Logo Somiral. 9. The Logo Stemars of the Mings boufe. Paribal. 10. The bings Chamberlain thatt fir and be placed after the Logo Watby Deal in manner and form following, viz. every of them thall fit and be placed above all arbet Merheiges being felle some Cere entrepend per bath and aron; those all Barons: the allicount, shore all maintings; it ap Carl, above all Baris, et.

II. The Mings principal Process beings a Bistan in the Parliament thall fit above all Barons not having any of the offices aforefair. But if he be a Wifcount, an Carl, or any other higher begrie, be thall not take the place of any Milacount, an Carl, or any other higher begrie, be thall not take the place of any Milacount Carl, or any if the petretary be a Kishop, he shall take the place of all other Bishop hat hat have the place of all other Bishop hat hat have the place of all other Bishop hat hat have the Michigan.

All other Dukes and bisers mobilizes aforelain, shall all stanging placed after their Ancientie, as hath besin accordance.

The general

All other Dukes, &c. If the Bing fould create a Duke to the effate of Arch. Andent, Bric desimilibus : otherbile this latter might be mide of no loger;

And an Michaute is deme other Bulgerages tridut , modalit aid or guturad at Af any perton being Lozo Chanceloz, Lozd Reeper, Lozd Treaturatig Lozo Martinego Lord Bring Meal as Chief Detretary I fail be ginger the vegree of The words no the Dachs in the misage of the Parliaments from the uppermitt part of gaire were adgative were ad-ed to avoid all ber and all other Affemblies and conferences of Burecel, they Politic and Ve feruple, that the placed as is above rehearled, and in "nanchamplace. Antile, eto Lozo Chancele for prece-golog, Angle Meper, Angle Cealuret, Law Prefer, Angle Polit fit and de detry levago ... Lozo Polit fit and the Market of the Country of the

and filenthat in belieber to unberdanathe true Muter or Precebence of the Ro.Pan 27H. 6 bles cuf this scenim in the Digh Court of Burtiament, oc. let bim rent me great rafe between John Carl Parfel, and Richard Carl of Warwick, in Part. liament, and the affirmations authors, and replications on both parts except. ne but fell of notable mies centoun, and profibents concerning Preceven than is fred of Co-Alesbeiterel sond achermiles regether with the a fine d Bedegreess Sents, and Places of many Public tion, very velightful to right hand) umoga it themlefuce

Santher bettoen William Carl of Arundel, and Thomas Carl of Devon: wherein you hall read notable maker concerning the Calife and Phinour of Arould greatently and upper by the discount of Bernament in the reign of H. 4. the page of the Calife County and the county of the discounty of the discou of presencery in Partisment as Caminal, but take his place in the right of his Riftinguish, which he houses of the Ring per Baroniam; in refpen whereof he fitand one operver of them. Beit the other Lugays panetenmille and the other A. Parish and the other panetenment and the othe Alla Buhe az Bariage be mane Protenerne the Mealm in Parliament , be

ned , butting arts place to Effcounts, Carla, Sprauelles and Dunts."

claufe.

a Rot. Par. Anno 3 H.6. in princio. & nu, 10. Vide Rot. Parl. 11 H.6.m 9.nu. 480 32:33:34:35. h of Arundel and Moubrey Earl of Norf. Rot.Par. 3 H.6 Marthals cafe. 610 10. Hall 143 &c.

Anno 30 H. 6.

BU. 22,23,24.

That I have not other place this air à Water de Causeye of secretar Vid. Rot, Parl. they it bonded bin place o precedency that great Difficers there the stable because of the stable of the ties stack the so jure, four Lions count er Feffe, fomebibat of them silo. In anciepens & difference per no bilifference July extinue Domini Regis founted for cente farin unterhangen Daipers hier fhall fe what places both the Dors, * Dartininetriale Buheni Parquellen Garupa and of Manererin: Buightsip Challen inno G 10 Jacobi Regis part 10.m. 8. & Rot. pac Anno 14 Jacobi Bend Ind. nerolida Lozo of Paritanien, tels to be goeine be obe Lozo a finition of the Lozos, as all privileges, and other matter concerning the Parliament are, as pribileoges and other matters concerning the Poule of Commons are by the Boule of Commons to be becibeb.

The determination of the places and precedencies of others doth belong to the Plin.lib.39.apud Ehe determination of the places and precedenties of desired upon the fair majores, &c.

Court of the Constable and Parhal, unless any question risets upon the fair majores, &c.

Act of Parliament of 3 1 H. 8. for that being part of the Lato of the Realm (as optime.

b Tranquillus all ather flatutes be) is to be decided by Judges of the Common Lato.

s Nobilis est qui generis sui imagines proferre potest. h Flavia gens obscura i Juvenal. i. Cequidem & fine imaginibus.

Totalicet veteres exornent undique Cera Atria, nobilitas fola est atque unica virtus.

Major est nobilitas quam virtus : virtus enim fine nobilitate effe potest, nobilitas autem fine virtute effe non poteft.

Arma feu infignia gentilitia ex antiquo habuerunt loco imaginum. De as nom the best difculling of antiquity of Gentry is per infignia,

> Armaque fixit Troja .-

Virgil.

and by the Latves of England as all the begries of nobility and bonour there, bility and their bertbed from the Ming as the fountain of bonour : * fo all the Lands in Eng- creations, and

and lofing thereof, &c. viz. Sect. 9. fo. 17.a.b. Sect. 1. fo. 9. b. Sect. 95. fo. 69. a.b. Sect. 113. f. 83. b. Sect. 241 50.164. a. Sca. 14,15, fo. 20. a. Sed. 137. fo. 97. a. Sed. 201. f. 134. a. Sca. 648, fo. 344, a. &c.

b This is put for an example, for all trialsby Peers not only in cafe of treason, but in cafe of felony, misprision of tres fon & felony, and fo ever nce this Statute hath it been put in ufe. e Barth. Caffan. inCatalogo gloriz mundi d Series ordinum tempore H. 7. Eliz: p. 475. "Which we have added the rather for that the contention about precedency between persons of that fex is ever fiery, furious, and sometime fatal, 31 Ho Miles See 3 H. o miles between Mowbook bray Earl of Norf. & Beauchamp Earl of Warwick. Cotte de Arms, A coat armour, that is, a long coat over armor with his Arms embroidered upen ic. " See the I part of the Institutes, Sect. 1. &c. & that first per divers places

L. Rot. Part

added the rather

that fex is ever fiery, furious and

Vid. the

Sec 3 H. cotta

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The actermination of the places and precedencies of others both belong to the Plin lib, go apos Court of ebe Confrable and Buribal, unieffe any queltion riferh upon the fein majores, Sc. Ed of Barliement of 31 H. S. for that being part of the Lato of the Beefen (as. all other flarmente) is to be decided by Judges of the Common Lain.

E Nobilis ett qui generis ini imagines professe poreft. 4 Flavia gens obfigia quidem & fine integinibus.

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Major eft nobilitas quam virtus : virtus enini fine nobilitate effe poteft, nobi- with his A m. fras autem fine vircute effe non potell,

Atma fen infigma.gentilnis en antiquo babuerunt loco imaginum. So as noto See the t part of the Infliness the best oftenfing of antiquity of Genity is per infignia.

Armaque fixit

Sed. i. &c & in that firft part in Viegel. divers places

concerning noad the the E twee of England anall the begiens of nobility end honour tween, biller and their verstraufrom e Ming as the fountain of bonour: * to all the Lands in Eng- creations, and of the gaining

and being thereof & .. we, Selt of to wash Selt 140. Dis Selt of ho hold b. Selt 11 1 (23. b, Selt 211.16) a. Secre 14, 15 to ao a. bell. 137, to: 97. a. Belt. 201. f. 134 a. Selt. 648, fo: 344. a. Sec.

The Epilogue.

frice, be affured of three things: First, though some may maligne you, vet God will give you his bleding. Secondly, that though thereby against you, God will defend you as with a inield : * Fer then Lerd wile give a blef ing unto the righteons, and with thy favourable kindness wilt thou

defend him as with ashield. supplied and out of our own industry and And for that we have broken the lee, and out of our own industry and observation framed this high and honourable Building of the unfdiction



blus lased over the strain policies of the Almetry biologic for the Almetry biologic for the property of good and provide the strain of the property of the pr Edm. Plowden. dietade pointing denand the cale bowled were heart ment

errors (as we take them :) for it is a fine Rylian and artific atting cipia referre, est refellere, to bring errors to their first, is to fee their last, Wherein we have strengthened our opinion with our two great guides, Authority and Reason, antenot enthed Abridgements, Polyanthea's, or taken any thing upon truft, but have fearched the Fountains themselves, alway holding this Rule, Quod fatius eft petere fontes, qu'im fecturi rivules : And our defired end is, that all these high and honourable Tribunals, and other subordinate Courts and venerable Seats of Justice may prosper and flourish in distribution of Justice, which assuredly they shall doe, if they derive all their power and strength from their proper roots.

Whilest we were in hand with these four Parts of the Institutes, we often having occasion to go into the City, and from thence into the Country, did in some sort envy the state of the honest Plowman, and other Mechanicks; for the one when he was at his work would merrily fing, and the Plowman whiftle some self-pleasing tune, and yet their work both proceeded and succeeded: But he that takes upon him to write doth captivate all the faculties and powers both of his minde and body, and must be only intentive to that which he collecteth, without any expres-

fion of joy or cheerfulnesse, whilest he is in his work.

Throughout all this Treatife we have dealt cleerly and plainly concerning some pretended Courts, which either are no Courts warrantable by Law, as we conceive them, or which without warrant have incroached more jurisdiction then they ought. Qui non libere veritatem pronuntiat, proditor veritatis est. Wherein if any of our honourable friends shall take offence, our Apology shall be, Amicus Plato, amicus Socrates, fed magis amica Veritas. Having ever in memory that faying of the Kingly Prophet, Keep innocency, and take heed to the thing that is Pfal. 37, 38. right, and that will bring a man peace at the last.

And you honourable and reverend Judges and Justices, that do or shall fit in the high Tribunals and Courts or Seats of Justice, as afore-faid, fear not to do right to all, and to deliver your opinions justly according to the Laws: for fear is nothing but a betraying of the fuc- mor nife prodition cours that reason should afford. And if you shall sincerely execute ju-cogitationis stice

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The Epilogue.

fice, be affured of three things: First, though some may maligne you. yet God will give you his blefting. Secondly, that though thereby you may offend great men and Favourites, yet you finall have the favourable kindnelle of the Almighty, and be his Favourites. And lattly, that in fo doing, against all lightdalobs complaints and pragmatical devices against you, God will defend you as with a shield : * For thou Lord will give a blessing unto the righteous, and with thy favourable kindnesse wilt thou

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And for that we have broken the Ice, and out of our own industry and observation framed this high and honourable Building of the Jurisdiction of Courts, without the help or furtherance of any that hath written of this Argument before, I shall heattily desire the wife heatted and expert builders (Juffice being Architectonics Virtus) to amend both the methodor uniformity), and the firmture it felt a wherein they shall find either want of windows, or sufficient lights, or other deliciency in the Architecture whatfoever: And we will conclude with the Aphorism of that great Lawyer and Sage of the Law (which we have heard him of

Edm. Plowden.

Ariftotle.

* Pfal, g. 13.

certify) Bloffed bribe amending band in it is in foreit is a second of the certification of cipia referre, eft refellere, tobing enois to their fuft, is to fee their faft, Wherein we have the regthered our opinion with our two greateguides Authority and Renon, siting & sirolg ood nents, Polyanthea's, or taken any thing upon truft, but have learned the fountains themselves, alway he'ding this Rule, Quidfairs oft perce for s, on m'ellari rivules: And our defired end is that all there high and honomable Tribunals, and other subordinate. Courts and venerable Sens of Juffice may profeer and flowish in chibibation of Justice, which of beedly they shall doe, if they derive all their porver and thength horn their prope, roots.

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